
PRELIMINARY DRAFT
No. 3323

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2006 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 4-13.6-3-3; IC 4-15-2-3.8; IC 4-31-8-5; IC 5-1-16-44; IC 5-2; IC 5-16-3; IC 5-26-6-6; IC 6-6-10-7; IC 9-19-14.5-1; IC 10-14; IC 10-15; IC 10-19-7-3; IC 11-12-4; IC 12-17-12-14; IC 12-17.2; IC 13-11-2-67; IC 13-18-17-5; IC 13-25-1-2; IC 14-23-6-1; IC 16-21-1-10; IC 16-22; IC 16-28-1-13; IC 16-31; IC 16-41; IC 16-42-5-0.7; IC 20-19-2-12; IC 20-26-7; IC 22-11-14-2; IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 27-2-13; IC 35-47.5; IC 36-1; IC 36-7-18-38; IC 36-8-17; IC 36-10-10-17.

Synopsis: Correction of 2005 homeland security legislation. Makes technical amendments concerning the creation of the department of homeland security.

Effective: July 1, 2006.



A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 4-13.6-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) There is established a certification board. The following persons shall serve on the certification board:

(1) The ~~state building commissioner~~ **state fire marshal or the state fire marshal's designee.**

(2) The chief engineer of the department of natural resources.

(3) The director.

(b) The board shall administer IC 4-13.6-4.

SECTION 2. IC 4-15-2-3.8, AS AMENDED BY P.L.218-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.8. "State service" means public service by:

(1) employees and officers, including the incumbent directors, of the county offices of family and children; and

(2) employees and officers, except members of boards and commissions or individuals hired for or appointed to, after June 30, 1982, positions as appointing authorities, deputies, assistants reporting to appointing authorities, or supervisors of major units within state agencies, irrespective of the title carried by those positions, of the division of disability, aging, and rehabilitative services, Fort Wayne State Developmental Center, Muscatatuck State Developmental Center, division of mental health and addiction, Larue D. Carter Memorial Hospital, Evansville State Psychiatric Treatment Center for Children, Evansville State Hospital, Logansport State Hospital, Madison State Hospital, Richmond State Hospital, state department of health, Indiana School for the Blind and Visually Impaired, Indiana School for the Deaf, Indiana Veterans' Home, Indiana Soldiers' and Sailors' Children's Home, Silvercrest Children's Development Center, department of correction, Westville Correctional Facility, Plainfield Juvenile Correctional Facility, Putnamville



Correctional Facility, Indianapolis Juvenile Correctional Facility, Indiana State Prison, Indiana Women's Prison, Pendleton Correctional Facility, Reception and Diagnostic Center, Rockville Correctional Facility, Youth Rehabilitation Facility, Plainfield Correctional Facility, ~~department of fire and building services, state emergency management agency~~ **department of homeland security** (excluding a county emergency management organization and any other local emergency management organization created under IC 10-14-3), civil rights commission, criminal justice planning agency, department of workforce development, Indiana historical bureau, Indiana state library, division of family and children, Indiana state board of animal health, Federal Surplus Property Warehouse, Indiana education employment relations board, department of labor, Indiana protection and advocacy services commission, commission on public records, Indiana horse racing commission, and state personnel department.

SECTION 3. IC 4-31-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. Each applicant for a permit shall, before the opening of the applicant's racing season, request an inspection of the racetrack premises and obtain a certificate from the ~~state fire marshal and state building commissioner~~ **division of fire and building safety** stating that the premises are in compliance with all of the safety requirements. ~~of their respective agencies.~~

SECTION 4. IC 5-1-16-44 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 44. On behalf of the authority, the board of directors or board of managers of the hospital shall, prior to the execution of a contract of lease, submit to and receive the approval of the board of commissioners of the county of the plans, specifications, and estimates of cost for the building or renovation. The plans and specifications shall be submitted to and approved by the state board of health, ~~state building commissioner, state fire marshal, the division of fire and building safety~~, and other state agencies that are required by law to pass on plans and specifications for public buildings.

SECTION 5. IC 5-2-1-9, AS AMENDED BY P.L.2-2005, SECTION 12, P.L.52-2005, SECTION 6, P.L.170-2005, SECTION 8, AND P.L.227-2005, SECTION 2, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The board shall adopt in accordance with IC 4-22-2 all necessary rules to carry out the provisions of this chapter. ~~Such~~ The rules, which shall be adopted only after necessary and proper investigation and inquiry by the board, shall include the establishment of the following:

- (1) Minimum standards of physical, educational, mental, and moral fitness which shall govern the acceptance of any person for training by any law enforcement training school or academy meeting or exceeding the minimum standards established



pursuant to this chapter.

(2) Minimum standards for law enforcement training schools administered by towns, cities, counties, ~~the northwest Indiana~~ law enforcement training ~~center~~, ~~centers~~, agencies, or departments of the state.

(3) Minimum standards for courses of study, attendance requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.

(4) Minimum standards for a course of study on cultural diversity awareness that must be required for each person accepted for training at a law enforcement training school or academy.

(5) Minimum qualifications for instructors at approved law enforcement training schools.

(6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.

(7) Minimum basic training requirements which law enforcement officers ~~not appointed for probationary terms but~~ appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

(8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities, to be provided by persons approved by the secretary of family and social services and the ~~law enforcement training~~ board.

(b) Except as provided in subsection (l), a law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6,



1 1972, shall toll the running of the first year, which ~~in such cases~~ shall
 2 be calculated by the aggregate of the time before and after the leave, for
 3 the purposes of this chapter.

4 (d) Except as provided in subsections (e), ~~and (l), and (n), (q)~~, a law
 5 enforcement officer appointed to a law enforcement department or
 6 agency after June 30, 1993, may not:

- 7 (1) make an arrest;
- 8 (2) conduct a search or a seizure of a person or property; or
- 9 (3) carry a firearm;

10 unless the law enforcement officer successfully completes, at a board
 11 certified law enforcement academy ~~at the southwest Indiana law~~
 12 ~~enforcement training academy under section 10.5 of this chapter;~~ or at
 13 ~~the northwest Indiana~~ a law enforcement training center under section
 14 10.5 or 15.2 of this chapter, the basic training requirements established
 15 by the board under this chapter.

16 (e) ~~This subsection does not apply to a gaming agent employed as~~
 17 ~~a law enforcement officer by the Indiana gaming commission.~~ Before
 18 a law enforcement officer appointed after June 30, 1993, completes the
 19 basic training requirements, the law enforcement officer may exercise
 20 the police powers described in subsection (d) if the officer successfully
 21 completes the pre-basic course established in subsection (f). Successful
 22 completion of the pre-basic course authorizes a law enforcement officer
 23 to exercise the police powers described in subsection (d) for one (1)
 24 year after the date the law enforcement officer is appointed.

25 (f) The board shall adopt rules under IC 4-22-2 to establish a
 26 pre-basic course for the purpose of training:

- 27 (1) law enforcement officers;
- 28 (2) police reserve officers (as described in IC 36-8-3-20); and
- 29 (3) conservation reserve officers (as described in IC 14-9-8-27);

30 regarding the subjects of arrest, search and seizure, ~~the lawful use of~~
 31 ~~force, and firearm qualification; the operation of an emergency~~
 32 ~~vehicle.~~ The pre-basic course must be offered on a periodic basis
 33 throughout the year at regional sites statewide. The pre-basic course
 34 must consist of ~~at least~~ forty (40) hours of course work. The board may
 35 prepare ~~a the classroom part of the~~ pre-basic course ~~on videotape that~~
 36 ~~must be used using available technology~~ in conjunction with live
 37 instruction. The board shall provide the course material, the instructors,
 38 and the facilities at the regional sites throughout the state that are used
 39 for the pre-basic course. In addition, the board may certify pre-basic
 40 courses that may be conducted by other public or private training
 41 entities, including colleges and universities.

42 (g) The board shall adopt rules under IC 4-22-2 to establish a
 43 mandatory inservice training program for police officers. After June 30,
 44 1993, a law enforcement officer who has satisfactorily completed ~~the~~
 45 basic training and has been appointed to a law enforcement department
 46 or agency on either a full-time or part-time basis is not eligible for



1 continued employment unless the officer satisfactorily completes ~~a~~
 2 ~~minimum of sixteen (16) hours each year of inservice training in any~~
 3 ~~subject area included in the law enforcement academy's basic training~~
 4 ~~course or other job related subjects that are approved by the board as~~
 5 ~~determined by the law enforcement department's or agency's needs; the~~
 6 ~~mandatory inservice training requirements established by rules~~
 7 ~~adopted by the board.~~ Inservice training must include training in
 8 interacting with persons with mental illness, addictive disorders,
 9 mental retardation, and developmental disabilities, to be provided by
 10 persons approved by the secretary of family and social services and the
 11 ~~law enforcement training board. In addition, a certified academy staff~~
 12 ~~may develop and make available inservice training programs on a~~
 13 ~~regional or local basis.~~ The board may approve courses offered by
 14 other public or private training entities, including colleges and
 15 universities, as necessary in order to ensure the availability of an
 16 adequate number of inservice training programs. The board may waive
 17 an officer's inservice training requirements if the board determines that
 18 the officer's reason for lacking the required amount of inservice
 19 training hours is due to ~~any~~ either of the following:

- 20 (1) An emergency situation.
- 21 (2) The unavailability of courses.

22 (h) The board shall also adopt rules establishing a town marshal
 23 basic training program, subject to the following:

- 24 (1) The program must require fewer hours of instruction and class
 25 attendance and fewer courses of study than are required for the
 26 mandated basic training program.
- 27 (2) Certain parts of the course materials may be studied by a
 28 candidate at the candidate's home in order to fulfill requirements
 29 of the program.
- 30 (3) Law enforcement officers successfully completing the
 31 requirements of the program are eligible for appointment only in
 32 towns employing the town marshal system (IC 36-5-7) and having
 33 ~~no~~ not more than one (1) marshal and two (2) deputies.
- 34 (4) The limitation imposed by subdivision (3) does not apply to an
 35 officer who has successfully completed the mandated basic
 36 training program.
- 37 (5) The time limitations imposed by subsections (b) and (c) for
 38 completing the training are also applicable to the town marshal
 39 basic training program.

40 (i) The board shall adopt rules under IC 4-22-2 to establish ~~a police~~
 41 ~~chief~~ an executive training program. The ~~executive training~~ program
 42 must include training in the following areas:

- 43 (1) Liability.
- 44 (2) Media relations.
- 45 (3) Accounting and administration.
- 46 (4) Discipline.



(5) Department policy making.

~~(6) Firearm policies.~~

(6) Lawful use of force.

(7) Department programs.

(8) Emergency vehicle operation.

(9) Cultural diversity.

(j) A police chief shall apply for admission to the ~~police chief~~ executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the ~~police chief~~ executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow ~~the police chief to complete~~ completion of the executive training program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered to ~~the police chief~~ after the police chief initially takes office.

(k) A police chief who fails to comply with subsection (j) may not continue to serve as the police chief until ~~the police chief has completed the police chief~~ completion of the executive training program. For the purposes of this subsection and subsection (j), "police chief" refers to:

(1) the police chief of any city; ~~and~~

(2) the police chief of any town having a metropolitan police department; ~~and~~

(3) the chief of a consolidated law enforcement department established under IC 36-3-1-5.1.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the ~~police chief~~ executive training program.

(l) ~~An A fire investigator in the arson division of the office of the state fire marshal division of fire and building safety appointed~~

~~(1) before January 1, 1994, is not required; or~~

~~(2) after December 31, 1993, is required~~

to comply with the basic training standards established under this ~~section: chapter.~~

(m) The board shall adopt rules under IC 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by IC 11-13-1-3.5(3).

(n) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

(1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;

(2) worked as a full-time law enforcement officer for at least one



(1) year before the officer is hired under subdivision (1);
 (3) has not been employed as a law enforcement officer for at least two (2) years and less than six (6) years before the officer is hired under subdivision (1) due to the officer's resignation or retirement; and
 (4) completed a basic training course certified by the board before the officer is hired under subdivision (1).

(o) An officer to whom subsection (n) applies must successfully complete the refresher course described in subsection (n) not later than six (6) months after the officer's date of hire, or the officer loses the officer's powers of:

(1) arrest;
 (2) search; and
 (3) seizure.

(p) A law enforcement officer who:

(1) has completed a basic training course certified by the board; and
 (2) has not been employed as a law enforcement officer in the six (6) years before the officer is hired as a law enforcement officer; is not eligible to attend the refresher course described in subsection (n) and must repeat the full basic training course to regain law enforcement powers.

~~(n)~~ (q) This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming agent appointed after June 30, 2005, may exercise the police powers described in subsection (d) if:

(1) the agent successfully completes the pre-basic course established in subsection (f); and
 (2) the agent successfully completes any other training courses established by the Indiana gaming commission in conjunction with the board.

SECTION 6. IC 5-2-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The task force consists of the following members:

(1) The superintendent of the state police department or the superintendent's designee.
 (2) The commissioner of the state department of health or the commissioner's designee.
 (3) The state superintendent of public instruction or the state superintendent's designee.
 (4) The commissioner of the department of environmental management or the commissioner's designee.
 (5) The **executive** director of the **state emergency management agency department of homeland security** or the **executive** director's designee.
 (6) The secretary of family and social services or the secretary's



- 1 designee.
- 2 (7) A judge, to be appointed by the governor.
- 3 (8) A prosecuting attorney, to be appointed by the governor.
- 4 (9) A county public defender, to be appointed by the governor.
- 5 (10) A sheriff from a county with a population less than thirty
- 6 thousand (30,000), to be appointed by the governor, or the
- 7 sheriff's designee.
- 8 (11) A sheriff from a county with a population greater than one
- 9 hundred thousand (100,000), to be appointed by the governor, or
- 10 the sheriff's designee.
- 11 (12) A chief of police from a first or second class city, to be
- 12 appointed by the governor, or the chief's designee.
- 13 (13) A chief of police from a third class city, to be appointed by
- 14 the governor, or the chief's designee.
- 15 (14) One (1) mental health professional with expertise in the
- 16 treatment of drug addiction, to be appointed by the governor.
- 17 (15) A physician with experience in treating individuals who have
- 18 been:
- 19 (A) injured by an explosion or a fire in a methamphetamine
- 20 laboratory; or
- 21 (B) harmed by contact with methamphetamine precursors;
- 22 to be appointed by the governor.
- 23 (16) One (1) primary or secondary school professional with
- 24 experience in educating children concerning the danger of
- 25 methamphetamine abuse, to be appointed by the governor.
- 26 (17) Five (5) persons:
- 27 (A) one (1) representing a retail grocery;
- 28 (B) one (1) representing a retail pharmacy;
- 29 (C) one (1) representing a retail hardware store;
- 30 (D) one (1) representing convenience stores; and
- 31 (E) one (1) representing retail propane gas dealers;
- 32 with experience in combating the sale of methamphetamine
- 33 precursors, to be appointed by the governor.
- 34 (18) A representative of the farming industry with knowledge of
- 35 the problem of theft of anhydrous ammonia for use in the
- 36 manufacture of methamphetamine, to be appointed by the
- 37 governor.
- 38 (19) An individual appointed by the speaker of the house of
- 39 representatives.
- 40 (20) An individual appointed by the president pro tempore of the
- 41 senate.
- 42 (21) A probation officer appointed by the governor.
- 43 (22) A pharmaceutical manufacturer representative appointed by
- 44 the governor.
- 45 SECTION 7. IC 5-16-3-1 IS AMENDED TO READ AS FOLLOWS
- 46 [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A public official, board,



commission, or other public agency having charge of the construction of a public building, an addition to the building or an alteration of the building shall file in the ~~office of the state building commissioner~~ **division of fire and building safety**, within sixty (60) days after the completion of the building project, a complete set of blueprints and a complete set of bound specifications for the public building, addition, or alteration.

(b) Subsection (a) does not apply to buildings, additions, or alterations that are constructed at a cost of less than twenty-five thousand dollars (\$25,000).

SECTION 8. IC 5-16-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The ~~state building commissioner~~ **division of fire and building safety of the department of homeland security** shall provide a safe depository for all blueprints and specifications ~~so~~ filed as provided in section 1 of this chapter and retain them for inspection and loan under ~~such the~~ conditions and restrictions as the fire prevention and building safety commission shall determine by rule. The fire prevention and building safety commission may designate the librarian of the state of Indiana as the custodian of any ~~of such~~ blueprints and specifications ~~so~~ filed with it, at any time, and it shall be the duty of the state librarian to safely preserve the same in the state archives as public documents.

SECTION 9. IC 5-26-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The committee consists of ten (10) members appointed by the superintendent. Each of the following user agencies shall be represented by one (1) committee member:

- (1) State police department.
- (2) Indiana department of transportation.
- (3) ~~State emergency management agency.~~ **Department of homeland security.**
- (4) Department of natural resources.
- (5) Alcohol and tobacco commission.
- (6) Department of state revenue.
- (7) Department of environmental management.
- (8) Military department of the state of Indiana.
- (9) Department of correction.
- (10) Indiana department of administration.

(b) A director of an agency described in subsection (a)(2) through (a)(10) shall recommend a person to the superintendent to serve as a committee member.

(c) The superintendent shall fill any vacancies on the committee.

(d) A committee member serves until the earlier of the following:

- (1) The member is removed by the superintendent.
- (2) The date the member ceases to be employed by the agency the member represents on the committee.

SECTION 10. IC 6-6-10-7 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) Before July 1 of
 2 each year, the department of state revenue shall distribute the money
 3 in the emergency planning and right to know fund as follows:

4 (1) Ten percent (10%) allocated to the emergency response
 5 commission and administered by the ~~state emergency~~
 6 ~~management agency~~ **department of homeland security** to be
 7 used to enhance communication among local emergency planning
 8 committees and between local emergency planning committees
 9 and the emergency response commission in order to strengthen
 10 joint hazardous material incident response capabilities. Money
 11 received as an allocation under this subdivision does not revert to
 12 the state general fund at the end of a state fiscal year.

13 (2) The distribution to the hazardous substance response fund
 14 established by IC 13-25-4-1 that is authorized for the year by the
 15 general assembly.

16 (3) A distribution of the remaining money as follows:

17 (A) To each county, two thousand five hundred dollars
 18 (\$2,500).

19 (B) To each county, an additional distribution in an amount
 20 determined in STEP TWO of the following formula:

21 STEP ONE: Divide the amount available for distribution by
 22 the number of annual returns filed under section 6(b) of this
 23 chapter in the calendar year preceding the distribution.

24 STEP TWO: Multiply the quotient determined in STEP
 25 ONE by the number of facilities located in each county.

26 The department of state revenue may make a distribution to a
 27 county under this subdivision only after receiving notice from the
 28 emergency response commission that the local emergency
 29 planning committee for the county has met the requirements of
 30 IC 13-25-1-6(b).

31 (b) The revenue distributed to the county under this section shall be
 32 deposited in a separate fund established by the county for the purpose
 33 of:

34 (1) preparing and updating a comprehensive emergency response
 35 plan required under 42 U.S.C. 11003 for the county or emergency
 36 planning district;

37 (2) establishing and implementing procedures for receiving and
 38 processing requests from the public for information about
 39 hazardous chemicals under Title III of SARA (42 U.S.C. 11001
 40 et seq.);

41 (3) training for emergency response planning, information
 42 management, and hazardous materials incident response;

43 (4) equipping a hazardous materials response team that provides
 44 at least a district wide emergency planning response if the
 45 equipment purchased is consistent with current training levels of
 46 the response team members;



(5) purchasing communication equipment for a local emergency planning committee's administrative use;

(6) paying an optional stipend to local emergency planning committee members who attend regularly scheduled meetings at which a quorum is present in an amount:

(A) determined by a majority of the local emergency planning committee membership; and

(B) that is not more than twenty dollars (\$20) per member per meeting; and

(7) paying for Title III risk communication, chemical accident related, and accident prevention projects submitted to and approved by the Indiana emergency response commission.

However, revenue distributed to a county under this section may be used for the purpose set forth in subdivisions (3) through (7) only if the local emergency planning committee appointed for the county has prepared and submitted to the emergency response commission an emergency plan that meets the requirements of 42 U.S.C. 11003(a) and has received approval for the training programs from the emergency response commission.

(c) The fund established under subsection (b) shall be administered by the county executive. The expenses of administering the fund shall be paid from money in the fund. Money in the fund not currently needed to meet the obligations of the fund may be invested in the same manner as other public funds. Interest that accrues from these investments shall be deposited in the fund. Money in the fund at the end of the fiscal year remains in the fund and does not revert to any other fund.

(d) Money shall be appropriated by a county fiscal body (as defined in IC 36-1-2-6) from a fund established under subsection (b) upon the receipt by the county fiscal body of the local emergency planning committee's spending plan. The spending plan must:

(1) have been approved by a majority of the members of the local emergency planning committee; and

(2) conform with the provisions of this chapter.

The county fiscal body may not appropriate money from the fund established under subsection (b) for any person or purpose other than the local emergency planning committee.

(e) All equipment, apparatus, and supplies purchased with money from a fund established under subsection (b) remains under the direction and control of the local emergency planning committee.

SECTION 11. IC 9-19-14.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A privately owned vehicle belonging to a certified paramedic, certified emergency medical technician-intermediate, certified emergency medical technician-basic advanced, certified emergency medical technician, certified emergency medical service driver, or certified emergency



1 medical service first responder while traveling in the line of duty in
 2 connection with emergency medical services activities may display
 3 flashing or revolving green lights, subject to the following restrictions
 4 and conditions:

5 (1) The lights may not have a light source less than fifty (50)
 6 candlepower.

7 (2) All lights shall be placed on the top of the vehicle.

8 (3) Not more than two (2) green lights may be displayed on a
 9 vehicle and each light must be of the flashing or revolving type
 10 and visible at three hundred sixty (360) degrees.

11 (4) The lights must consist of a lamp with a green lens and not of
 12 an uncolored lens with a green bulb. However, the revolving
 13 lights may contain multiple bulbs.

14 (5) The green lights may not be a part of the regular head lamps
 15 displayed on the vehicle.

16 (6) For a person to be authorized under this chapter to display a
 17 flashing or revolving green light on the person's vehicle, the
 18 person must first secure a written permit from the **executive**
 19 director of the ~~state emergency management agency~~ **department**
 20 **of homeland security** to use the light. The permit must be carried
 21 by the person when the light is displayed.

22 SECTION 12. IC 10-14-3-7 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) Because of the
 24 existing and increasing possibility of disasters or emergencies of
 25 unprecedented size and destructiveness that may result from manmade
 26 or natural causes, to ensure that Indiana will be adequately prepared to
 27 deal with disasters or emergencies or to prevent or mitigate those
 28 disasters where possible, generally to provide for the common defense,
 29 to protect the public peace, health, and safety, and to preserve the lives
 30 and property of the people of the state, it is found and declared to be
 31 necessary:

32 (1) to provide for emergency management under ~~a state~~
 33 ~~emergency management agency~~; **the department of homeland**
 34 **security**;

35 (2) to create local emergency management departments and to
 36 authorize and direct disaster and emergency management
 37 functions in the political subdivisions of the state;

38 (3) to confer upon the governor and upon the executive heads or
 39 governing bodies of the political subdivisions of the state the
 40 emergency powers provided in this chapter;

41 (4) to provide for the rendering of mutual aid among the political
 42 subdivisions of the state, with other states, and with the federal
 43 government to carry out emergency, disaster, or emergency
 44 management functions; and

45 (5) to authorize the establishment of organizations and the
 46 implementation of steps that are necessary and appropriate to



1 carry out this chapter.

2 (b) It is also the purpose of this chapter and the policy of the state
3 to:

4 (1) coordinate all emergency management functions of this state
5 to the maximum extent with the comparable functions of:

6 (A) the federal government, including the federal government's
7 various departments and agencies;

8 (B) other states and localities; and

9 (C) private agencies of every type;

10 so that the most effective preparation and use may be made of the
11 nation's manpower, resources, and facilities for dealing with any
12 disaster that may occur;

13 (2) prepare for prompt and efficient rescue, care, and treatment of
14 persons victimized or threatened by disaster;

15 (3) provide a setting conducive to the rapid and orderly start of
16 restoration and rehabilitation of persons and property affected by
17 disasters;

18 (4) clarify and strengthen the roles of the:

19 (A) governor;

20 (B) state agencies; and

21 (C) local governments;

22 in the prevention of, preparation for, response to, and recovery
23 from disasters;

24 (5) authorize and provide cooperation between departments of
25 government in:

26 (A) disaster prevention;

27 (B) preparedness;

28 (C) response; and

29 (D) recovery;

30 (6) authorize and provide coordination of activities relating to:

31 (A) disaster prevention;

32 (B) preparedness;

33 (C) response; and

34 (D) recovery;

35 by agencies and officers of Indiana, and similar state-local,
36 interstate, federal-state, and foreign activities in which the state
37 and its political subdivisions may participate; and

38 (7) provide a disaster management system embodying all aspects
39 of pre-disaster preparedness, disaster operations, and post-disaster
40 response.

41 SECTION 13. IC 10-14-8-6 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The nuclear
43 response fund is established to provide appropriate education, training,
44 and equipment to local emergency responders:

45 (1) in counties that will be affected by the transportation of high
46 level radioactive waste under this chapter; and



(2) to:

(A) prevent;

(B) prepare for; and

(C) respond to;

acts of terrorism.

(b) Sources of money for the fund consist of transportation fees deposited under section 3(b) of this chapter.

(c) The ~~state emergency management agency~~ **department of homeland security** shall administer the fund. Money in the fund is annually appropriated to the state emergency response commission to be used for purposes described in subsection (a).

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(f) Money in the fund at the end of a fiscal year does not revert to the state general fund.

SECTION 14. IC 10-15-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. The foundation may do the following:

(1) Adopt bylaws for the regulation of the foundation's affairs and the conduct of the foundation's business.

(2) Adopt an official seal, which may not be the seal of the state.

(3) Maintain a principal office and other offices the foundation designates.

(4) Sue and be sued in the name and style of "Indiana Emergency Management, Fire and Building Services, and Public Safety Training Foundation", with service of process being made to the chairperson of the foundation by leaving a copy at the principal office of the foundation or at the residence of the chairperson if the foundation has no principal office.

(5) Exercise the powers or perform the following duties of the foundation:

(A) Acquire by any means a right or an interest in or upon personal property of any kind or nature. The foundation shall hold the legal title to property acquired in the name of the foundation.

(B) Dispose of a right or an interest in personal property.

(6) Make and enter into all contracts, undertakings, and agreements necessary or incidental to the performance of the duties and the execution of the powers of the foundation under this chapter.

(7) Assist the ~~agency~~, department ~~and institute~~ to develop projects.

(8) Receive and accept from any person grants for or in aid of the



1 acquisition, construction, improvement, or development of any
 2 part of the projects of the foundation and receive and accept aid
 3 or contributions from any source of money, personal property,
 4 labor, or other things of value to be held, used, applied, or
 5 disposed of only for the purposes consistent with the purposes of
 6 this chapter for which the grants and contributions may be made.

7 (9) Hold, use, administer, and expend money that may be
 8 acquired by the foundation.

9 (10) Do all acts and things necessary or proper to carry out the
 10 powers expressly granted in this chapter.

11 SECTION 15. IC 10-15-3-2 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The money in the
 13 emergency management fund shall be used to pay for projects of the
 14 ~~agency.~~ **department.**

15 (b) The money in the fire services fund shall be used to pay for
 16 projects of the ~~office of the state fire marshal.~~ **division of fire and**
 17 **building safety.**

18 (c) The money in the building services fund shall be used to pay for
 19 projects of the ~~office of the state building commissioner.~~ **division of**
 20 **fire and building safety.**

21 (d) The money in the emergency medical services fund shall be used
 22 to pay for emergency medical services projects of the ~~agency.~~
 23 **department.**

24 (e) The money in the stewardship fund shall be used to pay for the
 25 promotion of safety first license plates under IC 9-18-45 and for the
 26 costs of administering this article.

27 SECTION 16. IC 10-19-7-3, AS ADDED BY P.L.22-2005,
 28 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2006]: Sec. 3. (a) The state fire marshal appointed under
 30 IC 22-14-2-2 shall do the following:

31 (1) Serve as ~~the~~ **a** deputy executive director ~~of to manage~~ the
 32 division.

33 (2) Administer the division.

34 (3) Provide staff to support the fire prevention and building safety
 35 commission established by IC 22-12-2-1.

36 (b) The state fire marshal may not exercise any powers or perform
 37 any duties specifically assigned to either of the following:

38 (1) The fire prevention and building safety commission.

39 (2) The building law compliance officer.

40 (c) The state fire marshal may delegate the state fire marshal's
 41 authority to the appropriate division staff.

42 SECTION 17. IC 11-12-4-7 IS AMENDED TO READ AS
 43 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. After conducting the
 44 review required by section 6 of this chapter, the department shall send
 45 a copy of the department's report to the ~~state building commissioner~~
 46 **division of fire and building safety** and make a public report to the



board of county commissioners. In the report, the department shall evaluate whether the jail, if constructed according to the plans and specifications submitted to the department, meets the minimum standards adopted by the department under section 1 of this chapter.

SECTION 18. IC 11-12-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) This section does not apply to the approval of the plans and specifications for a county jail under IC 22-15-3 if the department has failed to submit its report under section 7 of this chapter to the ~~state building commissioner~~ **division of fire and building safety** within ten (10) regular working days of the date that the department received the plans and specifications from the board of county commissioners.

(b) The ~~state building commissioner~~ **division of fire and building safety** may not issue a design release for a county jail under IC 22-15-3 until the ~~state building commissioner~~ **division of fire and building safety** receives the report of the department for that county jail under section 7 of this chapter.

SECTION 19. IC 12-17-12-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. The division may not approve a grant from the fund to an applicant that is planning to use a facility not located in a school, unless the applicant's facility meets the following:

(1) Standards for sanitation that are adopted by the director of the division.

(2) Standards for fire safety that are adopted by the ~~office of the state fire marshal~~ **division of fire and building safety**.

SECTION 20. IC 12-17.2-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) A program operated to serve migrant children that is exempted under section 8(6) of this chapter and is certified by the United States Department of Health and Human Services shall be:

(1) granted a provisional license by the division, for a limited period not to exceed one (1) year and that is subject to review every three (3) months, if the division determines that the program reasonably complies with the rules adopted by the division; and

(2) inspected by the ~~state fire marshal's office~~ **division of fire and building safety**.

(b) The division and the fire prevention and building safety commission shall adopt rules under IC 4-22-2 that apply only to programs operated to serve migrant children that take into consideration the fact that the programs:

(1) operate in donated space;

(2) provide services for children from migrant worker families; and

(3) are operated during a single period of less than one hundred



1 twenty (120) consecutive days during a calendar year.

2 (c) This section does not prohibit a program operated to serve
3 migrant children from applying for a license under this article.

4 SECTION 21. IC 12-17.2-6-2 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. An unlicensed child
6 care ministry under section 1 of this chapter may not operate unless the
7 child care ministry has registered with and met the requirements of the
8 division and the ~~office of the state fire marshal~~ **division of fire and**
9 **building safety**. Registration forms shall be provided by the division
10 and the ~~office of the state fire marshal~~ **division of fire and building**
11 **safety**.

12 SECTION 22. IC 12-17.2-6-5 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) As used in this
14 section, "primary use of the building" means the occupancy
15 classification that is:

- 16 (1) most closely related to the intended use of the building; and
- 17 (2) determined by the rules of the fire prevention and building
18 safety commission in effect at the time that the child care ministry
19 is first registered.

20 (b) The state fire marshal shall inspect a child care ministry
21 registered under section 2 of this chapter to ensure that the child care
22 ministry complies with the requirements of subsection (c).

23 (c) Except as provided in the following, a registered child care
24 ministry shall comply with all rules of the fire prevention and building
25 safety commission applicable to the primary use of the building:

- 26 (1) A registered child care ministry with an occupant load of at
27 least fifty (50) shall do either of the following:

- 28 (A) Install and maintain a fire alarm system in compliance
29 with the rules of the fire prevention and building safety
30 commission.

- 31 (B) Provide a notice on a form prescribed by the ~~office of the~~
32 **state fire marshal division of fire and building safety** to the
33 parents of each child who attends the ministry stating that the
34 ministry does not have the same level of fire safety protection
35 as a licensed child care center.

- 36 (2) Each registered child care ministry with an occupant load of
37 less than fifty (50) shall do either of the following:

- 38 (A) Install and maintain in good operating condition at least
39 one (1) battery operated smoke detector in each room and
40 corridor used by the ministry.

- 41 (B) Provide a notice on a form prescribed by the ~~office of the~~
42 **state fire marshal division of fire and building safety** to the
43 parents of each child who attends the ministry stating that the
44 ministry does not have the same level of fire safety protection
45 as a licensed child care center.

- 46 (3) Each registered child care ministry shall comply with the rules



1 of the fire prevention and building safety commission concerning
2 fire drills.

3 For purposes of this subsection, occupant load is determined by
4 dividing the total square footage of the area used by the child care
5 ministry by thirty-five (35) and rounding any result that is not a whole
6 number up to the next whole number.

7 (d) The state fire marshal shall make an inspection of a child care
8 ministry registered under section 2 of this chapter at least annually.

9 (e) During an inspection, the state fire marshal shall inspect the
10 structure in which the child care ministry is conducted for fire safety
11 and life safety with respect to the structure's primary use.

12 SECTION 23. IC 12-17.2-6-6 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. Upon the completion
14 of the inspections required under this chapter, a notice signed by the
15 inspectors from the division and the ~~office of the state fire marshal~~
16 **division of fire and building safety** shall be issued to the operator of
17 each child care ministry found to be in compliance. The notice shall be
18 placed in a conspicuous place in the child care ministry, and must be
19 in substantially the following form:

20 "THIS UNLICENSED REGISTERED CHILD CARE MINISTRY
21 has been inspected and complies with state rules concerning
22 health and sanitation in child care ministries.

23 DATE _____

24 SIGNATURE _____

25 DIVISION OF FAMILY AND CHILDREN

26 THIS UNLICENSED REGISTERED CHILD CARE MINISTRY
27 has been inspected and complies with state law concerning fire
28 safety and life safety.

29 DATE _____

30 SIGNATURE _____

31 STATE FIRE

32 ~~MARSHAL'S OFFICE~~. **DIVISION OF FIRE AND BUILDING**
33 **SAFETY**".

34 SECTION 24. IC 13-11-2-67 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 67. (a) "Enforcement
36 action", for purposes of IC 13-20-13 and IC 13-20-14, means:

37 (1) a written notice of a violation or a commissioner's order issued
38 under IC 13-30-3;

39 (2) a letter identifying a violation; or

40 (3) a court proceeding initiated by the:

41 (A) department;

42 (B) department of ~~fire and building services~~; **homeland**
43 **security**;

44 (C) state; or

45 (D) federal government;

46 under an environmental protection law or other law concerning



public health, safety, or the environment.

(b) "Enforcement action", for purposes of IC 13-25-5, means:

(1) a written notice of violation issued under IC 13-30-3-3, IC 13-30-3-4, or IC 13-7-11-2 (before its repeal) that requires or involves the removal or remediation of petroleum or a hazardous substance;

(2) another written notice that requires the removal or remediation of petroleum or a hazardous substance and that is:

(A) issued under:

(i) IC 4-21.5-3-6;

(ii) IC 4-21.5-3-8; or

(iii) IC 4-21.5-4; or

(B) substantially equivalent to a special notice letter issued under 42 U.S.C. 9622(e); or

(3) a similar notice issued by the federal government.

SECTION 25. IC 13-18-17-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The board shall adopt rules under IC 4-22-2 establishing groundwater quality standards that include numeric and narrative criteria, a groundwater classification plan, and a method of determining where the groundwater quality standards must apply. The standards established under this subsection shall be used for the following purposes:

(1) To establish minimum compliance levels for groundwater quality monitoring at regulated facilities.

(2) To ban the discharge of effluents into potable groundwater.

(3) To establish health protection goals for untreated water in water supply wells.

(4) To establish concentration limits for contaminants in ambient groundwater.

(b) Except as provided in subsection (c) and subject to subsection (d), the following agencies shall adopt rules under IC 4-22-2 to apply the groundwater quality standards established under this section to activities regulated by the agencies:

(1) The department.

(2) The department of natural resources.

(3) The state department of health.

(4) The office of the state chemist.

(5) The ~~office of the state fire marshal~~ **division of fire and building safety**.

(c) The executive board of the state department of health may not adopt rules to apply the nitrate and nitrite numeric criteria included in groundwater quality standards established in rules adopted by the board under subsection (a) to onsite sewage systems.

(d) Any rule adopted by the executive board of the state department of health is void to the extent that the rule applies the nitrate and nitrite numeric criteria included in groundwater quality standards established



in rules adopted by the Indiana water pollution control board under subsection (a) to onsite sewage systems.

SECTION 26. IC 13-25-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The commission consists of the following thirteen (13) members:

- (1) The commissioner or the commissioner's designee.
- (2) The **executive** director of the ~~state emergency management agency~~ **department of homeland security** or the **executive** director's designee.
- (3) The superintendent of the state police department or the superintendent's designee.
- (4) The state fire marshal or the state fire marshal's designee.
- (5) Three (3) representatives of business and industry.
- (6) Three (3) representatives of the public.
- (7) Three (3) representatives of local government.

(b) The governor shall appoint the members provided for in subsection (a)(5) through (a)(7). A member appointed under this subsection serves at the pleasure of the governor.

SECTION 27. IC 14-23-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The department shall do the following:

- (1) Organize, establish, and maintain a program of education, training, and service throughout Indiana to combat forest, brush, or open fires occurring in Indiana.
- (2) Establish an organization of trained volunteer forest firefighters to be known and designated as the Indiana volunteer forest firefighters service.
- (3) Cooperate with local firefighting services and the ~~office of the state fire marshal~~ **division of fire and building safety** to combat fires under this section.

SECTION 28. IC 16-21-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) Licensure inspections of an institution or agency shall be made regularly in accordance with rules adopted under this chapter. The state department shall make all health and sanitation inspections, including inspections in response to an alleged breach of this chapter or rules adopted under this chapter. The ~~office of the state fire marshal, or the fire marshal's authorized agents,~~ **division of fire and building safety** shall make all fire safety inspections. The council may provide for other inspections necessary to implement this chapter.

(b) An employee of the state department who knowingly or intentionally informs an institution or agency of the exact date of an unannounced inspection shall be suspended without pay for five (5) days for a first offense and shall be dismissed for a subsequent offense.

(c) Reports of all inspections must be in writing and sent to the institution or agency.



(d) The report of an inspection and records relating to the inspection may not be released to the public until the conditions set forth in IC 16-19-3-25 are satisfied.

SECTION 29. IC 16-22-6-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25. Before the execution of a lease the governing board of the hospital and the county executive shall approve the plans, specifications, and estimates of cost for the building, equipment, and appurtenances that the authority proposes to lease to a lessee. The plans and specifications also shall be submitted to and approved by the state department, the ~~office of the state fire marshal~~, **division of fire and building safety**, and other state agencies designated by law to pass on plans and specifications for public buildings.

SECTION 30. IC 16-22-7-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 28. Before executing a lease, the governing board of the hospital shall approve the plans, specifications, and estimates of cost for the building, including equipment and appurtenances, that the authority proposes to lease to a lessee. The plans and specifications shall be submitted to and approved by the state department, ~~office of the state fire marshal~~, **the division of fire and building safety**, and other state agencies designated by law to pass on plans and specifications for public buildings.

SECTION 31. IC 16-28-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) Licensure inspections of health facilities shall be made regularly in accordance with rules adopted under this chapter. The division shall make all health and sanitation inspections. The ~~office of the state fire marshal or the fire marshal's authorized agents~~ **division of fire and building safety** shall make all fire safety inspections. The council or the director may provide for other inspections necessary to carry out this chapter.

(b) The exact date of an inspection of a health facility under this chapter may not be announced or communicated directly or indirectly to the owner, administrator, or an employee of the facility before the inspection. An employee of the state department who knowingly or intentionally informs a health facility of the exact date of an inspection shall be suspended without pay for five (5) days for a first offense and shall be dismissed for a subsequent offense.

(c) Reports of all inspections must be:

- (1) in writing; and
- (2) sent to the health facility.

(d) The report of an inspection and records relating to the inspection may not be released to the public until the conditions set forth in IC 16-19-3-25 are satisfied.

SECTION 32. IC 16-31-3-14, AS AMENDED BY P.L.22-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) A person holding a certificate issued under



1 this article must comply with the applicable standards and rules
 2 established under this article. A certificate holder is subject to
 3 disciplinary sanctions under subsection (b) if the ~~state emergency~~
 4 **management agency department of homeland security** determines
 5 that the certificate holder:

6 (1) engaged in or knowingly cooperated in fraud or material
 7 deception in order to obtain a certificate, including cheating on a
 8 certification examination;

9 (2) engaged in fraud or material deception in the course of
 10 professional services or activities;

11 (3) advertised services or goods in a false or misleading manner;

12 (4) falsified or knowingly allowed another person to falsify
 13 attendance records or certificates of completion of continuing
 14 education courses required under this article or rules adopted
 15 under this article;

16 (5) is convicted of a crime, if the act that resulted in the
 17 conviction has a direct bearing on determining if the certificate
 18 holder should be entrusted to provide emergency medical
 19 services;

20 (6) is convicted of violating IC 9-19-14.5;

21 (7) fails to comply and maintain compliance with or violates any
 22 applicable provision, standard, or other requirement of this article
 23 or rules adopted under this article;

24 (8) continues to practice if the certificate holder becomes unfit to
 25 practice due to:

26 (A) professional incompetence that includes the undertaking
 27 of professional activities that the certificate holder is not
 28 qualified by training or experience to undertake;

29 (B) failure to keep abreast of current professional theory or
 30 practice;

31 (C) physical or mental disability; or

32 (D) addiction to, abuse of, or dependency on alcohol or other
 33 drugs that endanger the public by impairing the certificate
 34 holder's ability to practice safely;

35 (9) engages in a course of lewd or immoral conduct in connection
 36 with the delivery of services to the public;

37 (10) allows the certificate holder's name or a certificate issued
 38 under this article to be used in connection with a person who
 39 renders services beyond the scope of that person's training,
 40 experience, or competence;

41 (11) is subjected to disciplinary action in another state or
 42 jurisdiction on grounds similar to those contained in this chapter.
 43 For purposes of this subdivision, a certified copy of a record of
 44 disciplinary action constitutes prima facie evidence of a
 45 disciplinary action in another jurisdiction;

46 (12) assists another person in committing an act that would



constitute a ground for disciplinary sanction under this chapter;
or

(13) allows a certificate issued by the commission to be:

(A) used by another person; or

(B) displayed to the public when the certificate is expired,
inactive, invalid, revoked, or suspended.

(b) The ~~state emergency management agency~~ **department of homeland security** may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the ~~state emergency management agency~~ **department of homeland security** determines that a certificate holder is subject to disciplinary sanctions under subsection (a):

(1) Revocation of a certificate holder's certificate for a period not to exceed seven (7) years.

(2) Suspension of a certificate holder's certificate for a period not to exceed seven (7) years.

(3) Censure of a certificate holder.

(4) Issuance of a letter of reprimand.

(5) Assessment of a civil penalty against the certificate holder in accordance with the following:

(A) The civil penalty may not exceed five hundred dollars (\$500) per day per violation.

(B) If the certificate holder fails to pay the civil penalty within the time specified by the ~~state emergency management agency~~, **department of homeland security**, the ~~state emergency management agency~~ **department of homeland security** may suspend the certificate holder's certificate without additional proceedings.

(6) Placement of a certificate holder on probation status and requirement of the certificate holder to:

(A) report regularly to the ~~state emergency management agency~~ **department of homeland security** upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the ~~state emergency management agency~~, **department of homeland security**;

(C) continue or renew professional education approved by the ~~state emergency management agency~~ **department of homeland security** until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the ~~state emergency management agency~~ **department of homeland security** considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder.

The ~~state emergency management agency~~ **department of**



1 **homeland security** may withdraw or modify this probation if the
 2 **state emergency management agency department of homeland**
 3 **security** finds after a hearing that the deficiency that required
 4 disciplinary action is remedied or that changed circumstances
 5 warrant a modification of the order.

6 (c) If an applicant or a certificate holder has engaged in or
 7 knowingly cooperated in fraud or material deception to obtain a
 8 certificate, including cheating on the certification examination, the
 9 **state emergency management agency department of homeland**
 10 **security** may rescind the certificate if it has been granted, void the
 11 examination or other fraudulent or deceptive material, and prohibit the
 12 applicant from reapplying for the certificate for a length of time
 13 established by the **state emergency management agency department**
 14 **of homeland security**.

15 (d) The **state emergency management agency department of**
 16 **homeland security** may deny certification to an applicant who would
 17 be subject to disciplinary sanctions under subsection (b) if that person
 18 were a certificate holder, has had disciplinary action taken against the
 19 applicant or the applicant's certificate to practice in another state or
 20 jurisdiction, or has practiced without a certificate in violation of the
 21 law. A certified copy of the record of disciplinary action is conclusive
 22 evidence of the other jurisdiction's disciplinary action.

23 (e) The **state emergency management agency department of**
 24 **homeland security** may order a certificate holder to submit to a
 25 reasonable physical or mental examination if the certificate holder's
 26 physical or mental capacity to practice safely and competently is at
 27 issue in a disciplinary proceeding. Failure to comply with a **state**
 28 **emergency management agency department of homeland security**
 29 order to submit to a physical or mental examination makes a certificate
 30 holder liable to temporary suspension under subsection (i).

31 (f) Except as provided under subsection (a), subsection (g), and
 32 section 14.5 of this chapter, a certificate may not be denied, revoked,
 33 or suspended because the applicant or certificate holder has been
 34 convicted of an offense. The acts from which the applicant's or
 35 certificate holder's conviction resulted may be considered as to whether
 36 the applicant or certificate holder should be entrusted to serve the
 37 public in a specific capacity.

38 (g) The **state emergency management agency department of**
 39 **homeland security** may deny, suspend, or revoke a certificate issued
 40 under this article if the individual who holds or is applying for the
 41 certificate is convicted of any of the following:

- 42 (1) Possession of cocaine, a narcotic drug, or methamphetamine
 43 under IC 35-48-4-6.
- 44 (2) Possession of a controlled substance under IC 35-48-4-7(a).
- 45 (3) Fraudulently obtaining a controlled substance under
 46 IC 35-48-4-7(b).



(4) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).

(5) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).

(6) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).

(7) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.

(8) Maintaining a common nuisance under IC 35-48-4-13.

(9) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).

(11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).

(12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described by subdivisions (1) through (11).

(h) A decision of the ~~state emergency management agency~~ **department of homeland security** under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(i) The ~~state emergency management agency~~ **department of homeland security** may temporarily suspend a certificate holder's certificate under IC 4-21.5-4 before a final adjudication or during the appeals process if the ~~state emergency management agency~~ **department of homeland security** finds that a certificate holder would represent a clear and immediate danger to the public's health, safety, or property if the certificate holder were allowed to continue to practice.

(j) On receipt of a complaint or information alleging that a person certified under this chapter or IC 16-31-3.5 has engaged in or is engaging in a practice that is subject to disciplinary sanctions under this chapter, the ~~state emergency management agency~~ **department of homeland security** must initiate an investigation against the person.

(k) The ~~state emergency management agency~~ **department of homeland security** shall conduct a factfinding investigation as the ~~state emergency management agency~~ **department of homeland security** considers proper in relation to the complaint.

(l) The ~~state emergency management agency~~ **department of homeland security** may reinstate a certificate that has been suspended under this section if the ~~state emergency management agency~~ **department of homeland security** is satisfied that the applicant is able to practice with reasonable skill, competency, and safety to the public. As a condition of reinstatement, the ~~state emergency management agency~~ **department of homeland security** may impose disciplinary or corrective measures authorized under this chapter.



(m) The ~~state emergency management agency~~ **department of homeland security** may not reinstate a certificate that has been revoked under this chapter.

(n) The ~~state emergency management agency~~ **department of homeland security** must be consistent in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the ~~state emergency management agency's~~ **department of homeland security's** findings or orders.

(o) A certificate holder may not surrender the certificate holder's certificate without the written approval of the ~~state emergency management agency,~~ **department of homeland security**, and the ~~state emergency management agency~~ **department of homeland security** may impose any conditions appropriate to the surrender or reinstatement of a surrendered certificate.

(p) For purposes of this section, "certificate holder" means a person who holds:

- (1) an unlimited certificate;
- (2) a limited or probationary certificate; or
- (3) an inactive certificate.

SECTION 33. IC 16-31-3-14.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14.5. The ~~state emergency management agency~~ **department of homeland security** may issue an order under IC 4-21.5-3-6 to deny an applicant's request for certification or permanently revoke a certificate under procedures provided by section 14 of this chapter if the individual who holds the certificate issued under this title is convicted of any of the following:

- (1) Dealing in or manufacturing cocaine, a narcotic drug, or methamphetamine under IC 35-48-4-1.
- (2) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (3) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (4) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (5) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- (6) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- (7) Dealing in a counterfeit substance under IC 35-48-4-5.
- (8) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).
- (9) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (8).



(10) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (8).

(11) A crime of violence (as defined in IC 35-50-1-2(a)).

(12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (11).

SECTION 34. IC 16-31-3.5-6, AS AMENDED BY P.L.22-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The commission must require emergency medical dispatchers to participate in continuing emergency medical dispatch education and training.

(b) An emergency medical dispatcher education and training course must:

(1) meet the curriculum and standards approved by the commission; and

(2) be conducted by an instructor or instructors that meet qualifications established by the commission.

(c) A person may not offer or conduct a training course that is represented as a course for emergency medical dispatcher certification unless the course is approved by the ~~state emergency management agency~~ **department of homeland security** and the instructor or instructors meet the qualifications established by the commission.

SECTION 35. IC 16-31-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The ~~state emergency management agency~~ **department of homeland security** shall administer the fund. The expenses of administering the fund shall be paid from money in the fund.

SECTION 36. IC 16-41-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The state department may adopt rules under IC 4-22-2 concerning the compilation for statistical purposes of information collected under IC 16-41-2.

(b) The state department shall adopt procedures to gather, monitor, and tabulate case reports of incidents involving dangerous communicable diseases or unnatural outbreaks of diseases known or suspected to be used as weapons. The state department shall specifically engage in medical surveillance, tabulation, and reporting of confirmed or suspected cases set forth by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services and the United States Public Health Service of the United States Department of Health and Human Services.

(c) The state department shall notify the:

(1) ~~state emergency management agency~~; **department of homeland security**;

(2) Indiana State Police; and



(3) county health department and local law enforcement agency having jurisdiction of each unnatural outbreak or reported case described in subsection (b);

as soon as possible after the state department receives a report under subsection (b). Notification under this subsection must be made not more than twenty-four (24) hours after receiving a report.

SECTION 37. IC 16-41-21-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) A school site, school, or addition to a school may not be located within five hundred (500) feet of the following:

- (1) A stream.
- (2) A railroad.
- (3) A stable.
- (4) A horse, mule, or cattle barn used for breeding.
- (5) A noisemaking industry.
- (6) Any unhealthful conditions.

(b) A:

- (1) railroad;
- (2) stable;
- (3) horse, mule, or cattle barn used for breeding;
- (4) noisemaking industry; or
- (5) unhealthful condition;

may not be located or erected within five hundred (500) feet of a school site, school, or school addition. This provision may be waived on written approval of the superintendent of public instruction, the state health commissioner or the commissioner's legally authorized agent, and the ~~state building commissioner~~; **division of fire and building safety**.

SECTION 38. IC 16-42-5-0.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.7. (a) Except as provided in this chapter, a corporation or local health department may not impose any requirements or standards on the installation of food handling machinery in a food establishment regulated by this chapter.

(b) The installation of food handling machinery includes all activities associated with the machinery's installation, including the wiring, plumbing, air handling, and all other processes.

(c) This section does not limit the authority of the state fire marshal ~~the state building commissioner~~ or other state agencies to regulate food establishments.

(d) This section does not limit the authority of a corporation or local health department to enforce requirements or standards established by state law or the state department for the installation of food handling machinery.

SECTION 39. IC 20-19-2-12, AS ADDED BY P.L.1-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) The state board shall adopt nonbinding



guidelines for the selection of school sites and the construction, alteration, and repair of school buildings. The nonbinding guidelines:

- (1) must include preferred location and building practices for school corporations, including standards for enhancing health, energy efficiency, cost efficiency, and instructional efficacy; and
- (2) may include guidelines concerning minimum acreage, cost per square foot, and per student square footage.

(b) The state board shall annually compile, in a document capable of easy revision, the:

- (1) guidelines described in subsection (a); and
- (2) rules of the:
 - (A) fire prevention and building safety commission; and
 - (B) state department of health;

that govern site selection and the construction, alteration, and repair of school buildings.

(c) Before submitting completed written plans and specifications for the selection of a school building site or the construction or alteration of a school building to the ~~state building commissioner~~ **division of fire and building safety** for issuance of a design release under IC 22-15-3, a school corporation shall:

- (1) issue a public document that describes any material differences between the plans and specifications prepared by the school corporation and the guidelines adopted under subsection (a), as determined under the guidelines adopted by the state board; and
- (2) after publishing a notice of the public hearing under IC 5-3-1, conduct a public hearing to receive public comment concerning the school corporation's plans and specifications.

After the public hearing and without conducting another public hearing under this subsection, the governing body may revise the plans and specifications or submit the plans and specifications to the ~~state building commissioner~~ **division of fire and building safety** without making changes. The school corporation shall revise the public document described in subdivision (1) to identify any changes in the plans and specifications after the public document's initial preparation.

SECTION 40. IC 20-26-7-23, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. (a) Before the execution of a contract under sections 20 through 25 of this chapter, the plans and specifications for a building or buildings, which must be prepared by an architect or engineer registered to practice in Indiana, must be submitted to:

- (1) the state department of health;
- (2) the ~~state fire marshal~~ **division of fire and building safety;**
- and**
- ~~(3) the state building commissioner;~~ and
- ~~(4)~~ **(3)** any other agencies designated by law to pass on plans and



specifications for school buildings.

(b) The plans and specifications must be approved by each agency in writing before the execution of the contract.

SECTION 41. IC 20-26-7-24, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 24. (a) After the completion of a school building or buildings erected or constructed under this chapter and before acceptance by the school corporation, the ~~state building commissioner~~ **division of fire and building safety** shall examine and inspect the building or buildings to determine if the requirements of the contract and the plans and specifications have been met.

(b) The ~~state building commissioner~~ **division of fire and building safety** shall immediately report to the school corporation any deviation from any requirements.

(c) Before final payment and settlement is made, the ~~state building commissioner~~ **division of fire and building safety** must file with the governing body or officer an affidavit that all requirements of the contract and of the plans and specifications have been fully and faithfully met.

SECTION 42. IC 20-26-7-28, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 28. A report of the inspection described in section 27 of this chapter shall be made to the ~~office of the state fire marshal~~ **division of fire and building safety** before September 1 of each year. The report shall be made on forms prescribed and approved by the ~~office of the state fire marshal~~ **division of fire and building safety**.

SECTION 43. IC 22-11-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The fire prevention and building safety commission may:

(1) adopt rules under IC 4-22-2 for the granting of permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals; and

(2) establish by rule the fee for the permit, which shall be paid into the fire and building services fund created under IC 22-12-6-1.

(b) The application for a permit required under subsection (a) must:

(1) name a competent operator who is to officiate at the display;

(2) set forth a brief resume of the operator's experience;

(3) be made in writing; and

(4) be received with the applicable fee by the ~~office of the state fire marshal~~ **division of fire and building safety** at least five (5) business days before the display.

No operator who has a prior conviction for violating this chapter may operate any display for one (1) year after the conviction.

(c) Every display shall be handled by a qualified operator approved



by the chief of the fire department of the municipality in which the display is to be held. A display shall be ~~so~~ located, discharged, or fired as, in the opinion of:

(1) the chief of the fire department of the city or town in which the display is to be held; or

(2) the township fire chief or the fire chief of the municipality nearest the site proposed, in the case of a display to be held outside of the corporate limits of any city or town;

after proper inspection, is not hazardous to property or person.

(d) A permit granted under this section is not transferable.

(e) A denial of a permit by a municipality shall be issued in writing before the date of the display.

(f) A person who possesses, transports, or delivers fireworks, except as authorized under this section, commits a Class A misdemeanor.

SECTION 44. IC 22-12-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The education board consists of eleven (11) voting members. The governor shall appoint nine (9) individuals as voting members of the education board, each to serve a term of four (4) years. The state fire marshal and the ~~executive~~ director of the ~~public safety institute~~ **department's division of preparedness and training** shall also serve as voting members of the education board.

(b) Each appointed member of the education board must be qualified by experience or education in the field of fire protection and related fields.

(c) Each appointed member of the education board must be a resident of Indiana.

(d) The education board must include the following appointed members:

(1) Two (2) individuals who are fire chiefs of a fire department.

(2) Two (2) individuals who are not fire chiefs but are officers of a fire department.

(3) Two (2) members of a fire department who are not officers of the fire department but have at least ten (10) years of fire protection service.

(4) Three (3) citizens who are not members of a fire department.

SECTION 45. IC 22-12-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The ~~office of the state fire marshal~~ **division of fire and building safety** shall provide facilities and staff to carry out the responsibilities of the education board.

SECTION 46. IC 22-12-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The fire and building services fund is established for the purpose of defraying the personal services, other operating expense, and capital outlay of the following:



1 (1) The department. ~~of fire and building services.~~

2 (2) The education board and the rules board.

3 (3) The commission.

4 (b) The fund shall be administered by the department. Money
5 collected for deposit in the fund shall be deposited at least monthly
6 with the treasurer of state.

7 (c) The treasurer of state shall deposit the following collected
8 amounts in the fund:

9 (1) Fire insurance policy premium taxes assessed under section 5
10 of this chapter.

11 (2) Except as provided in section 6(d) of this chapter, all fees
12 collected under this chapter.

13 (3) Any money not otherwise described in this subsection but
14 collected by the ~~office of the state fire marshal or by the office of~~
15 ~~the state building commissioner.~~ **division of fire and building**
16 **safety.**

17 (4) Any money not otherwise described in this subsection but
18 collected by the department, commission, education board, or
19 rules board and designated for distribution to the fund by statute
20 or the executive director of the department.

21 (d) The treasurer of state shall invest the money in the fund not
22 currently needed to meet the obligations of the fund in the same
23 manner as other public funds may be invested.

24 (e) Money in the fund at the end of a fiscal year does not revert to
25 the state general fund.

26 SECTION 47. IC 22-12-6-2 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The statewide
28 arson investigation financial assistance fund is established to provide
29 money to:

30 (1) prosecuting attorneys;

31 (2) local police departments;

32 (3) the state police department;

33 (4) arson task forces; and

34 (5) fire departments that have arson investigating teams or arson
35 task forces.

36 (b) The department shall administer the fund. The state fire marshal
37 shall distribute the money from the fund in accordance with the rules
38 adopted under IC 4-22-2 by the commission and the commissioner of
39 insurance.

40 (c) The fund consists of money deposited in the fund by the
41 executive director of the department. The department ~~the office of the~~
42 ~~state fire marshal, and the office of the state building commissioner~~
43 **and the division of fire and building safety** may accept gifts and
44 grants from any source to be deposited in the fund and to be used for
45 the purposes of this section.

46 (d) Money in the fund at the end of a **state** fiscal year does not



1 revert to the state general fund.

2 SECTION 48. IC 22-12-6-3 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The statewide fire
4 and building safety education fund is established to provide money to:

5 (1) local fire and building inspection departments for enrollment
6 in education and training programs approved by the department;

7 **and**

8 (2) ~~the office of the state building commissioner and the office of~~
9 ~~the state fire marshal~~ **division of fire and building safety** for:

10 (A) enrollment in education and training programs approved
11 by the department; and

12 ~~(3) the department for~~ (B) the sponsoring of training
13 conferences.

14 (b) The department shall administer the fund. The ~~director of the~~
15 ~~division of education and information~~ **department** shall distribute
16 money from the fund in accordance with the rules adopted under
17 IC 4-22-2 by the commission.

18 (c) The fund consists of:

19 (1) money allocated under section 6(d) of this chapter; and

20 (2) fees collected under subsection (e).

21 (d) Money in the fund at the end of a fiscal year does not revert to
22 the state general fund.

23 (e) The department may charge a fee for a person's participation in
24 a training conference. The department shall deposit the fees collected
25 under this subsection in the fund. The department shall pay all
26 expenses associated with training conferences out of the fund.

27 SECTION 49. IC 22-12-6-7, AS AMENDED BY P.L.1-2005,
28 SECTION 189, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) This section does not apply
30 to a nonpublic school (as defined in IC 20-18-2-12) or a school
31 operated by a school corporation (as defined in IC 20-18-2-16).

32 (b) The ~~office of the state fire marshal~~ **division of fire and building**
33 **safety** shall charge an application fee set by rules adopted by the
34 commission under IC 4-22-2 for amusement and entertainment permits
35 issued under IC 22-14-3.

36 (c) The ~~office of the state fire marshal~~ **division of fire and building**
37 **safety** shall collect an inspection fee set by rules adopted by the
38 commission under IC 4-22-2 whenever the ~~office~~ **division** conducts an
39 inspection for a special event endorsement under IC 22-14-3.

40 (d) Halls, gymnasiums, or places of assembly in which contests,
41 drills, exhibitions, plays, displays, dances, concerts, or other types of
42 amusement are held by colleges, universities, social or fraternal
43 organizations, lodges, farmers organizations, societies, labor unions,
44 trade associations, or churches are exempt from the fees charged or
45 collected under subsections (b) and (c), unless rental fees are charged
46 or collected.



(e) The fees set for applications or inspections under this section must be sufficient to pay all the direct and indirect costs of processing an application or performing an inspection for which the fee is set. In setting the fees, the commission may consider differences in the degree or complexity of the activity being performed for each fee.

SECTION 50. IC 22-12-6-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) As used in this section, "credit card" means a bank card, debit card, charge card, prepaid card, or other similar device used for payment.

(b) In addition to other methods of payment allowed by law, the department may accept payment by credit card for certifications, licenses, and fees, and other amounts payable to the following:

(1) The department.

~~(2) The state emergency management agency.~~

~~(3) (2) The public safety institute.~~ **division of preparedness and training.**

~~(4) (3) The fire prevention and building safety commission.~~

~~(5) (4) The regulated amusement device safety board.~~

~~(6) (5) The boiler and pressure vessel rules board.~~

~~(7) (6) The Indiana emergency management, fire and building services, and public safety training foundation.~~

~~(8) (7) The office of the state fire marshal.~~ **division of fire and building safety.**

~~(9) The office of the state building commissioner.~~

(c) The department may enter into appropriate agreements with banks or other organizations authorized to do business in Indiana to enable the department to accept payment by credit card.

(d) The department may recognize net amounts remitted by the bank or other organization as payment in full of amounts due the department.

(e) The department may pay any applicable credit card service charge or fee.

SECTION 51. IC 22-12-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) An emergency or other temporary order may be issued under IC 4-21.5-4 whenever the appropriate person under section 1 of this chapter determines that conduct or a condition of property:

(1) presents a clear and immediate hazard of death or serious bodily injury to any person other than a trespasser;

(2) is prohibited without a permit, registration, certification, release, authorization, variance, exemption, or other license required under IC 22-14 or IC 22-15 or another statute administered by a person described in section 1 of this chapter and the license has not been issued; or

(3) will conceal a violation of law.

(b) An emergency or other temporary order issued by an employee or agent of the ~~office of the state fire marshal~~ **division of fire and**



1 **building safety** must be approved by the state fire marshal **or by the**
 2 **executive director of the department.**

3 ~~(c) An emergency or other temporary order issued by an employee~~
 4 ~~or agent of the office of the state building commissioner must be~~
 5 ~~approved by the state building commissioner.~~

6 ~~(d)~~ (c) An approval under subsection (b) ~~or (c)~~ may be orally
 7 communicated to the employee or agent issuing the order. However,
 8 the department shall maintain a written record of the approval.

9 SECTION 52. IC 22-13-2-2, AS AMENDED BY P.L.44-2005,
 10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2006]: Sec. 2. (a) The commission shall adopt rules under
 12 IC 4-22-2 and IC 22-13-2.5 to adopt a statewide code of fire safety laws
 13 and building laws.

14 (b) Before December 1, 2003, the commission shall adopt the most
 15 recent edition, including addenda, of the following national codes by
 16 rules under IC 4-22-2 and IC 22-13-2.5:

17 (1) ANSI A10.4 (Safety Requirements for Personnel Hoists).

18 (2) ASME A17.1 (Safety Code for Elevators and Escalators, an
 19 American National Standard).

20 (3) ASME A18.1 (Safety Standard for Platform Lifts and Stairway
 21 Chairlifts, American National Standard).

22 (4) ASME QE1-1 (Standard for the Qualification of Elevator
 23 Inspectors, an American National Standard).

24 (5) The American Society of Civil Engineers (ASCE) Automated
 25 People Mover Standard 21.

26 (6) ANSI A90.1 Safety Code for Manlifts.

27 (c) Before July 1, 2006, the commission shall adopt the most recent
 28 edition, including addenda, of ASME A17.3 (Safety Code for Existing
 29 Elevators and Escalators, an American National Standard) by rules
 30 under IC 4-22-2 and IC 22-13-2.5.

31 (d) The commission shall adopt the subsequent edition of each
 32 national code, including addenda, to be adopted as provided under
 33 subsections (b) and (c) within eighteen (18) months after the effective
 34 date of the subsequent edition.

35 (e) The commission may amend the national codes as a condition of
 36 the adoption under subsections (b), (c), and (d).

37 (f) To the extent that the following sections of the International Fire
 38 Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1, apply
 39 to tents or canopies in which cooking does not occur, the commission
 40 shall suspend enforcement of the following sections of the International
 41 Fire Code, 2000 edition, until the ~~office of the state fire marshal~~
 42 **division of fire and building safety** recommends amendments to the
 43 commission under subsection (h) and the commission adopts rules
 44 under subsection (i) based on the recommendations:

45 (1) Section 2406.1 (675 IAC 22-2.3-233).

46 (2) Section 2406.2.



1 (3) Section 2406.3.

2 (g) To the extent that section 2403.2 of the International Fire Code,
3 2000 edition, as adopted by reference in 675 IAC 22-2.3-1, applies to
4 a tent or canopy in which there is an open flame, the commission shall
5 suspend enforcement of section 2403.2 until the ~~office of the state fire~~
6 **marshal division of fire and building safety** recommends amendments
7 to section 2403.2 to the commission under subsection (h) and the
8 commission adopts rules under subsection (i) based on the
9 recommendations and amending section 2403.2.

10 (h) The ~~office of the state fire marshal~~ **division of fire and building**
11 **safety** shall recommend amendments to the commission to the
12 following sections of the International Fire Code, 2000 edition, as
13 adopted by reference in 675 IAC 22-2.3-1:

14 (1) Section 2403.2.

15 (2) Section 2406.1 (675 IAC 22-2.3-233).

16 (3) Section 2406.2.

17 (4) Section 2406.3.

18 (i) After receiving and considering recommendations from the ~~office~~
19 ~~of the state fire marshal~~ **division of fire and building safety** under
20 subsection (h), and using the procedure set forth in IC 4-22-2-38, the
21 commission shall amend the following sections of the International Fire
22 Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1:

23 (1) Section 2403.2.

24 (2) Section 2406.1 (675 IAC 22-2.3-233).

25 (3) Section 2406.2.

26 (4) Section 2406.3.

27 SECTION 53. IC 22-13-2-13 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) The commission
29 may adopt rules under IC 4-22-2 to implement this article, IC 22-12,
30 IC 22-14, and IC 22-15.

31 (b) Any power of the state fire marshal or the ~~state building~~
32 ~~commissioner~~ **division of fire and building safety** to adopt rules shall
33 be exercised by the commission.

34 SECTION 54. IC 22-13-3-2 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) This section
36 applies to the following laboratories:

37 (1) Analytical laboratories approved by the ~~office of the state fire~~
38 ~~marshal~~ **division of fire and building safety** under the alternative
39 criteria established by the commission in its rules.

40 (2) Laboratories that are:

41 (A) operated by a college, university, school, or other
42 educational entity for the purpose of instruction or research;
43 and

44 (B) approved by the ~~office of the state fire marshal~~ **division of**
45 **fire and building safety** under the alternative criteria
46 established by the commission in the rules.



(b) The commission may:

(1) apply different rules to the manufacture of regulated explosives (as defined in IC 35-47.5-2-13) in a laboratory described in subsection (a) than apply to other places where regulated explosives (as defined in IC 35-47.5-2-13) are manufactured; and

(2) adopt rules under IC 4-22-2 to exempt laboratories described in subsection (a) from the regulated explosive magazines permit requirement under IC 35-47.5-4.

SECTION 55. IC 22-13-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) This section applies to Class 1 structures that are partially or entirely located within the geographic area included in seismic zone 2A.

(b) As used in this section, "seismic zone 2A" refers to the geographic boundaries that comprise seismic zone 2A as established in the rules adopted by the commission.

(c) The commission shall adopt building rules under IC 4-22-2 that prohibit or limit occupancy or use of Class 1 structures that do not comply with the commission's rules governing structural resistance to earthquakes.

(d) The rules adopted under this section must cover essential buildings and public utility services:

(1) designated by the ~~state emergency management agency;~~
department of homeland security; and

(2) needed for disaster recovery operations.

(e) The rules adopted under this section may not apply to a Class 1 structure if construction of the structure began before July 1, 1993.

SECTION 56. IC 22-14-1-4, AS AMENDED BY P.L.22-2005, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. ~~"Office"~~ **"Division"** refers to the division of fire and building safety established by IC 10-19-7-1.

SECTION 57. IC 22-14-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The governor shall appoint a state fire marshal to direct the ~~office.~~ **division.** The state fire marshal serves at the pleasure of the governor.

(b) The state fire marshal must have:

(1) a recognized interest and knowledge in the areas of fire prevention and fire protection; and

(2) experience as an administrator.

(c) The state fire marshal shall serve as a full-time employee of the ~~office.~~ **division.**

SECTION 58. IC 22-14-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) To carry out ~~the~~ **its** responsibilities, the ~~state fire marshal or a deputy fire marshal~~ **division** may:

(+) ~~exercise the powers of a law enforcement officer to prevent~~



- 1 ~~fires and conduct arson investigations;~~
 2 ~~(2)~~ (1) enter and inspect any property, at a reasonable hour;
 3 ~~(3)~~ (2) issue and enforce administrative orders under IC 22-12-7
 4 and apply for judicial orders under IC 22-12-7-13;
 5 ~~(4)~~ (3) direct a fire department to assist the ~~office~~ **division**;
 6 ~~(5)~~ (4) cooperate with law enforcement officers; and
 7 ~~(6)~~ (5) provide hazardous materials and counterterrorism:
 8 (A) training;
 9 (B) support; and
 10 (C) response assistance.

11 **(b) To carry out the state fire marshal's responsibility to**
 12 **conduct an investigation into the causes and circumstances**
 13 **surrounding a fire or an explosion, the state fire marshal or a**
 14 **division fire investigator authorized by the state fire marshal may:**

- 15 (1) exercise the powers of a law enforcement officer to prevent
 16 fires and conduct arson investigations;
 17 (2) direct a fire department to assist the state fire marshal or
 18 division fire investigator; and
 19 (3) cooperate with law enforcement officers.

20 SECTION 59. IC 22-14-2-5 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The ~~office~~
 22 **division** shall carry out a program to provide public information
 23 concerning fire prevention and maintain data and statistics concerning
 24 fires and fire prevention activities.

25 (b) The ~~office~~ **division** shall provide a copy of the fire safety rules
 26 adopted by the commission to the chief of each fire department. The
 27 ~~office~~ **division** may exclude, from the rules distributed under this
 28 subsection, any text that is incorporated by reference into the rules
 29 published in the Indiana Administrative Code.

30 SECTION 60. IC 22-14-2-6 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The ~~office~~
 32 **division** shall develop programs to train fire department personnel and
 33 volunteers. The ~~office~~ **division** may develop these training programs in
 34 cooperation with any accredited educational institution or fire fighting
 35 association. The ~~office~~ **division** or the institution may conduct the
 36 programs.

37 (b) The programs under this section must cover the areas of fire
 38 prevention and firefighting.

39 (c) The ~~office~~ **division** shall establish inspection training
 40 requirements for members of volunteer fire companies and certify
 41 individuals who meet these requirements.

42 (d) The ~~office~~ **division** shall provide staff and meeting facilities to
 43 the education board to carry out section 7 of this chapter.

44 SECTION 61. IC 22-14-2-8 IS AMENDED TO READ AS
 45 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) Regardless of the
 46 extent of the investigation conducted by a fire department under



1 IC 36-8-17-7, the ~~office~~ **state fire marshal or a division fire**
 2 **investigator authorized by the state fire marshal** may conduct an
 3 investigation into the causes and circumstances surrounding any fire or
 4 explosion.

5 (b) To carry out this section, the ~~office~~ **state fire marshal or a**
 6 **division fire investigator authorized by the state fire marshal** may:

- 7 (1) exercise its powers under section 4 of this chapter;
- 8 (2) assist a prosecuting attorney with any criminal investigation;
- 9 (3) subpoena witnesses and order the production of books,
- 10 documents, and other evidence;
- 11 (4) give oaths and affirmations;
- 12 (5) take depositions and conduct hearings;
- 13 (6) separate witnesses and otherwise regulate the course of
- 14 proceedings; and
- 15 (7) obtain and secure evidence.

16 (c) Subpoenas, discovery orders, and protective orders issued under
 17 this section shall be enforced under IC 4-21.5-6-2.

18 (d) A person who is summoned and testifies under this section is
 19 entitled to receive a minimum salary per diem and a mileage allowance
 20 from the fire and building services fund. The budget agency shall set
 21 the amount of the per diem and mileage allowance.

22 (e) The state fire marshal and the **division fire** investigators ~~in the~~
 23 ~~arson division of the office of the state fire marshal~~ **authorized by the**
 24 **state fire marshal** have law enforcement authority at all times while
 25 discharging their duties under this section as employees of the
 26 department.

27 (f) The executive director of the ~~fire and building services~~
 28 ~~department of homeland security~~ has law enforcement authority at all
 29 times while discharging the duties of the executive director under this
 30 section.

31 SECTION 62. IC 22-14-2-9 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. The ~~office~~ **division**
 33 shall review and may approve plans and specifications presented to the
 34 ~~office~~ **division** for a design release under IC 22-15-3 for compliance
 35 with the fire safety laws.

36 SECTION 63. IC 22-14-2-10 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The ~~office~~ **division**
 38 shall carry out a program to:

- 39 (1) enforce all fire safety laws and related variances and other
- 40 orders; and
- 41 (2) protect the public from fire hazards.

42 (b) The ~~office~~ **division** shall carry out a program to investigate
 43 complaints.

44 (c) The ~~office~~ shall coordinate its enforcement ~~program~~ with the
 45 ~~enforcement program conducted by the office of the state building~~
 46 ~~commissioner under IC 22-15. The state fire marshal may authorize the~~



office of the state building commissioner to carry out an enforcement function for the office.

SECTION 64. IC 22-14-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. The **office division** shall carry out a program to periodically inspect structures and other property that are used by the state, a county, a city, a town, or a school corporation, including institutions where inmates are involuntarily detained. Inspections shall be conducted under the schedule specified by the **office division**. The **office division** may exclude a class of buildings or other property from inspection under this section, if the **office division** determines that the public interest will be served without inspection.

SECTION 65. IC 22-14-2-12, AS ADDED BY P.L.140-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. Whenever a **member of the arson division fire investigator of the office** retires after at least twenty (20) years of service, the **office division** shall, in recognition of the **member's investigator's** service to the **office, division**, do the following:

- (1) Allow the **member investigator** to retain the service weapon issued to the **member investigator** by the **office, division**.
- (2) Issue the **member investigator** a badge that indicates the **member investigator** is a retired **member of the arson division of the office, fire investigator**.
- (3) Issue the **member investigator** an identification card that contains the following information:
 - (A) The name of the **office and the arson division**.
 - (B) The name of the **member, investigator**.
 - (C) The **member's investigator's** position title before the **member's investigator's** retirement.
 - (D) A statement that the **member investigator** is retired.
 - (E) A statement that the **member investigator** is authorized to retain the service weapon issued to the **member investigator** by the **office, division**.

SECTION 66. IC 22-14-3-1, AS AMENDED BY P.L.1-2005, SECTION 190, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Except as provided in subsection (c), this chapter does not apply to a nonpublic school (as defined in IC 20-18-2-12) or a school operated by a school corporation (as defined in IC 20-18-2-16).

(b) The **office division** shall carry out an inspection program to periodically inspect regulated places of amusement or entertainment. These inspections shall be conducted at least annually.

(c) A school that holds amusement or entertainment events shall be inspected at least one (1) time each year. The inspection may be performed by either the **office division** or the fire department that has jurisdiction over the school.



(d) At the time of each annual inspection performed by the ~~office of the state fire marshal, division~~, the ~~office~~ **division** shall provide a fire safety checklist to each school that holds amusement or entertainment events. Each ~~such~~ school shall be responsible for ensuring compliance with the items on the fire safety checklist for each amusement or entertainment event held at the school.

SECTION 67. IC 22-14-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The ~~office~~ **division** shall issue an amusement and entertainment permit to an applicant who qualifies under section 3 of this chapter.

(b) A permit issued under section 3 of this chapter expires December 31 in the year it is issued. The permit applies only to the place, maximum occupancy, and use specified in the permit.

SECTION 68. IC 22-14-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. To qualify for an amusement and entertainment permit, an applicant must:

(1) submit an application sworn or affirmed under penalties of perjury on forms provided by the ~~office~~ **division** upon request;

(2) provide:

(A) the applicant's full name and address;

(B) the full name and address of each of the applicant's partners (if the applicant is a partnership), members or managers, if any (if the applicant is a limited liability company), and principal officers (if the applicant is a corporation);

(C) an indication of whether the applicant is an owner, lessee, occupant, or agent for the place covered by the application;

(D) a description of the place covered by the application, including a description of every building and room covered by the application; and

(E) any information required under the commission's rules;

(3) demonstrate through an inspection that the place covered by the application complies with applicable fire safety laws; and

(4) pay the fee set under IC 22-12-6-7.

SECTION 69. IC 22-14-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The ~~office~~ **division** may modify an amusement and entertainment permit with a special event endorsement that covers one (1) or more events not specified in the initial permit.

(b) To qualify for a special event endorsement, an applicant must:

(1) provide the information required by the commission;

(2) demonstrate through an inspection that the special events covered by the application will be conducted in compliance with applicable fire safety laws; and

(3) pay the inspection fee set under IC 22-12-6-7.

SECTION 70. IC 22-14-5-1 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The firefighting
 2 and emergency equipment revolving loan fund is established. The
 3 **office division** shall administer the revolving fund. The revolving fund
 4 must be used for the purposes of:

5 (1) providing loans for the purchase of new or used firefighting
 6 and other emergency equipment or apparatus under this chapter;
 7 and

8 (2) paying the costs of administering this chapter.

9 (b) The revolving fund consists of:

10 (1) amounts appropriated by the general assembly;

11 (2) the repayment proceeds (including interest) of loans made
 12 from the revolving fund;

13 (3) donations, grants, and money received from any other source;
 14 and

15 (4) amounts that the department transfers to the revolving fund
 16 from the fire and building services fund.

17 (c) The treasurer of state shall invest the money in the revolving
 18 fund not currently needed to meet the obligations of the revolving fund
 19 in the same manner as other public funds may be invested.

20 (d) Money in the revolving fund at the end of the fiscal year does
 21 not revert to the state general fund.

22 (e) The revolving fund is subject to an annual audit by the state
 23 board of accounts. The revolving fund shall pay all costs of the audit.

24 SECTION 71. IC 22-14-5-2 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The commission
 26 shall adopt rules under IC 4-22-2 to do the following:

27 (1) Establish the policies and procedures to be used by the
 28 department in the administration of the revolving fund.

29 (2) Specify the information that must be submitted with a loan
 30 application.

31 (3) Adopt other rules under IC 4-22-2 that are needed to carry out
 32 this chapter.

33 (4) Establish a loan priority rating system.

34 (5) Prescribe the forms to be used by the **office division** in
 35 administering the revolving fund.

36 (6) Prescribe the persons authorized to execute loan documents on
 37 behalf of a qualified entity.

38 SECTION 72. IC 22-14-5-6 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The **office**
 40 **division** shall do the following:

41 (1) Review and approve or disapprove applications for loans from
 42 the revolving fund.

43 (2) Establish the terms of loans from the revolving fund.

44 (3) Manage the loans.

45 (b) The **office division** shall review applications for loans from the
 46 revolving fund on December 1 and June 1.



(c) A properly completed application for a loan from the revolving fund must be received by the **office division** not later than:

(1) November 16 for the application to be eligible for review on a December 1 review date; or

(2) May 17 for the application to be eligible for review on a June 1 review date.

(d) If the **office division** receives a loan application after a deadline for receiving loan applications set forth in subsection (c), the **office division** shall:

(1) retain the loan application; and

(2) review the application on the next review date.

SECTION 73. IC 22-14-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The **office division** may enter into contracts that are necessary for the administration of this chapter, including contracts for the servicing of loans.

SECTION 74. IC 22-14-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) The **office division** shall assign a loan priority rating to each loan application under this chapter.

(b) The loan priority rating must be assigned in conformity with criteria adopted by the commission. The rating that is assigned must reflect the relative need of the qualified entity for the loan.

(c) The **office division** shall make loans available to qualified entities in descending order beginning with the qualified entity with the highest loan priority rating.

SECTION 75. IC 22-14-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. A loan under this chapter is subject to the following conditions:

(1) The qualified entity may use the loan only for the purchase of new or used firefighting and other emergency equipment or apparatus, and legal and other incidental expenses that are directly related to acquiring the equipment or apparatus.

(2) The repayment period may not exceed seven (7) years.

(3) The amount of the loan may not be less than ten thousand dollars (\$10,000).

(4) The interest rate is to be set by the board of finance at a rate that is not more than two percent (2%) below the prime bank lending rate prevailing at the time the loan is approved.

(5) All interest reverts to the revolving fund created by this chapter.

(6) The loan must be repaid in installments, including interest on the unpaid balance of the loan.

(7) The repayment of principal may be deferred for a period not to exceed two (2) years.

(8) The repayment of the loan may be limited to a specified revenue source of the qualified entity. If the repayment is limited,



the repayment:

(A) is not a general obligation of the qualified entity; and

(B) is payable solely from the specified revenue source.

(9) If prepayment of the loan is made, a penalty may not be charged.

(10) The ~~office~~ **division** shall have a security interest in the purchased firefighting or other emergency equipment or apparatus for the balance of the loan, accrued interest, penalties, and collection expenses.

(11) Any other conditions that the ~~office~~ **division** considers appropriate.

SECTION 76. IC 22-14-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. Notwithstanding any other law, the loan to a qualified entity under this section may be directly negotiated with the ~~office~~ **division** without public sale of bonds or other evidences of indebtedness of the qualified entity.

SECTION 77. IC 22-15-1-4, AS AMENDED BY P.L.22-2005, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. "~~Office~~" "**Division**" refers to the division of fire and building safety established by IC 10-19-7-1.

SECTION 78. IC 22-15-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. **(a)** To carry out the ~~office's division's~~ responsibilities, the ~~state building commissioner~~ **division** or an employee or another agent of the ~~office~~ **division** may:

(1) exercise any program of supervision that is approved by the commission, if the responsibility involves the administration or enforcement of a building law;

(2) enter and inspect any property, at a reasonable hour;

(3) issue and enforce administrative orders under IC 22-12-7 and apply for judicial orders under IC 22-12-7-13; **and**

(4) cooperate with law enforcement officers and political subdivisions that have jurisdiction over a matter. ~~and~~

(b) To carry out the building law compliance officer's responsibilities, the building law compliance officer may

~~(5)~~ issue a written interpretation of any building law under IC 22-13-5.

SECTION 79. IC 22-15-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. ~~(a)~~ The ~~office~~ **division** shall carry out a program to enforce all laws described by one (1) or more of the following:

(1) Building laws and related variances and other orders that apply to Class 1 structures.

(2) Building laws and related variances and other orders that apply to industrialized building systems.

(3) Building laws and related variances and other orders that apply to mobile structures.



(4) Building laws, equipment laws, and related variances and other orders that apply to regulated lifting devices.

(5) Equipment laws and related variances and other orders.

(b) ~~The office shall coordinate its enforcement program with the enforcement program conducted by the office of the state fire marshal under IC 22-14. The state building commissioner may authorize the office of the state fire marshal to carry out an enforcement function for the office.~~

SECTION 80. IC 22-15-3-2, AS AMENDED BY P.L.22-2005, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. To qualify for a design release under this section, an applicant must:

(1) demonstrate, through the submission of plans and specifications for the construction covered by the application, that the construction will comply with all applicable building laws and fire safety laws;

(2) pay the fees set under IC 22-12-6-6;

(3) have the plans and specifications:

(A) prepared by a registered architect or professional engineer who is:

(i) competent to design the construction covered by the application as determined by the ~~office~~; **division**; and

(ii) registered under IC 25-4 or IC 25-31;

(B) include on each page of all drawings and the title page of all specifications the seal of the registered architect or professional engineer described by clause (A) or the person's technical or professional staff; and

(C) filed by the registered architect or professional engineer described by clause (A) or the person's technical or professional staff; and

(4) submit a certificate prepared on a form provided by the ~~office~~ **division** and sworn or affirmed under penalty of perjury by the registered architect or professional engineer described in subdivision (3)(A):

(A) providing an estimate of the cost of the construction covered by the application, its square footage, and any other information required under the rules of the commission;

(B) stating that the plans and specifications submitted for the application were prepared either by or under the immediate supervision of the person making the statement;

(C) stating that the plans and specifications submitted for the application provide for construction that will meet all building laws; and

(D) stating that the construction covered by the application will be subject to inspection at intervals appropriate to the stage of the construction by a registered architect or



1 professional engineer identified in the statement for the
 2 purpose of determining in general if work is proceeding in
 3 accordance with the released plans and specifications.

4 SECTION 81. IC 22-15-3-5 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) This section does
 6 not authorize a variance from any rule adopted by the commission.

7 (b) The rules adopted by the commission do not prevent the use of:
 8 (1) materials;
 9 (2) methods of construction; or
 10 (3) design procedures;

11 if they are not specifically prohibited in the rules and if they are
 12 approved under subsection (c).

13 (c) The state fire marshal and the ~~state building commissioner~~
 14 **division** may, in the review of an application for a design release,
 15 consider as evidence of compliance with the rules adopted by the
 16 commission any evaluation report that:

17 (1) contains limitations, conditions, or standards for alternative
 18 materials, methods of construction, or design procedures; and
 19 (2) is published by an independent, nationally recognized testing
 20 laboratory or other organization that is approved under the rules
 21 adopted by the commission.

22 SECTION 82. IC 22-15-3-6 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. Pending the
 24 completion of the review of an application, the ~~office~~ **division** may
 25 ~~with the approval of the office of the state fire marshal,~~ issue:

26 (1) a design release for part of the construction proposed in a
 27 application, if that part of the construction qualifies for release
 28 under this chapter; or
 29 (2) a provisional release for any part of the construction proposed
 30 in an application, under the conditions specified by the ~~office~~
 31 **division**.

32 SECTION 83. IC 22-15-4-1, AS AMENDED BY P.L.22-2005,
 33 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2006]: Sec. 1. (a) The ~~office~~ **division** shall certify an
 35 industrialized building system for use in Indiana to an applicant who
 36 qualifies under this section. If an applicant qualifies for certification
 37 under this section, the ~~office~~ **division** shall provide the applicant with
 38 a seal for the certified industrial building system.

39 (b) To qualify for a certification under this section, an applicant
 40 must:

41 (1) submit proof that the ~~office~~ **division** has issued a design
 42 release under IC 22-15-3 for the model or series of industrialized
 43 building systems being constructed;
 44 (2) demonstrate, in an in-plant inspection, that the industrialized
 45 building system covered by the application has been constructed
 46 in conformity with all applicable building laws and fire safety



1 laws; and

2 (3) pay the fee set by the commission under IC 22-12-6-6.

3 (c) The exemption under IC 22-13-4-2 applies to an industrialized
4 building system certified under this section.

5 SECTION 84. IC 22-15-4-2, AS AMENDED BY P.L.22-2005,
6 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2006]: Sec. 2. (a) The ~~office~~ **division** shall certify a mobile
8 structure for sale and use in Indiana for an applicant who qualifies
9 under this section. If an applicant qualifies for certification under this
10 section, the ~~office~~ **division** shall provide the applicant with a seal for
11 the certified mobile structure.

12 (b) To qualify for certification under this section, an applicant must:

13 (1) submit proof that the ~~office~~ **division** has issued a design
14 release under IC 22-15-3 for the model or series of mobile
15 structures being constructed;

16 (2) demonstrate, in an in-plant inspection, that the mobile
17 structure covered by the application has been constructed in
18 conformity with all applicable building laws and fire safety laws;

19 (3) certify in an affidavit that a seal provided by the ~~office~~
20 **division** will not be attached to a mobile structure that does not
21 conform to the requirements adopted by the commission in its
22 rules; and

23 (4) pay the fee set by the commission under IC 22-12-6-6.

24 (c) The exemption under IC 22-13-4-2 applies to a mobile structure
25 certified under this chapter.

26 SECTION 85. IC 22-15-4-6 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. A person who offers
28 to sell or sells a mobile structure that:

29 (1) was certified by the ~~office~~ **division** under IC 9-8-1.5 (before
30 its repeal on July 1, 1987) or section 2 or 4 of this chapter; and

31 (2) has been altered or converted in violation of a rule adopted by
32 the commission;

33 commits a Class C infraction.

34 SECTION 86. IC 22-15-5-1 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The ~~office~~
36 **division** shall issue a regulated lifting device installation or alteration
37 permit to an applicant who qualifies under this section.

38 (b) To qualify for a permit under this section, an applicant must
39 meet the following requirements:

40 (1) Demonstrate through the submission of complete plans,
41 including:

42 (A) copies of specifications and accurately scaled and fully
43 dimensioned plans showing the location of the installation in
44 relation to the plans and elevation of the building;

45 (B) plans showing the location of the machine room and the
46 equipment to be installed, relocated, or altered;



- 1 (C) plans showing the structural supporting members,
 2 including foundations; and
 3 (D) a specification of all materials employed and loads to be
 4 supported or conveyed;
 5 that the installation or alteration covered by the application will
 6 comply with all applicable equipment laws. All plans and
 7 specifications must be sufficiently complete to illustrate all details
 8 of construction and design.
 9 (2) Pay the fee set under IC 22-12-6-6(a)(7).
 10 (3) Be the holder of a current elevator contractor license, if
 11 applicable, as set forth under IC 22-15-5-7.
 12 (c) A copy of the permit shall be kept at the construction site at all
 13 times while the work is in progress.
 14 (d) The regulated lifting device must be installed or altered in
 15 compliance with:
 16 (1) applicable codes; and
 17 (2) the details of the application, plans, specifications, and
 18 conditions of the permit.
 19 (e) The regulated lifting device must be installed or altered under
 20 the direction and control of a licensed contractor. The elevator
 21 contractor does not have to be present at the site.
 22 (f) The responsibilities of the ~~office~~ **division** under this section may
 23 be carried out by a political subdivision that is approved by the
 24 commission under IC 22-13-2-10.
 25 SECTION 87. IC 22-15-5-3 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) All regulated
 27 lifting devices shall be registered under this section.
 28 (b) The ~~office~~ **division** shall issue a registration for a regulated
 29 lifting device to an applicant who qualifies under this section.
 30 (c) To register a regulated lifting device under this section, an
 31 applicant must submit, on a form approved by the ~~office~~ **division**, the
 32 following information:
 33 (1) Type, rated load and speed, name of manufacturer, location,
 34 and the nature of the use of the regulated lifting device.
 35 (2) Any information required under the rules adopted by the
 36 commission.
 37 SECTION 88. IC 22-15-5-4 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The ~~office~~ **division**
 39 shall carry out a program for the periodic inspection of
 40 regulated lifting devices being operated in Indiana. A regulated lifting
 41 device may not be operated without an operating certificate that covers
 42 the operation of the regulated lifting device.
 43 (b) A permit issued under this section expires on the earlier of:
 44 (1) one (1) year after issuance; or
 45 (2) when the regulated lifting device is altered.
 46 (c) After a regulated lifting device has been installed or altered, an



applicant shall apply for an initial operating certificate. The ~~office~~
division shall issue an initial operating certificate for a regulated lifting
 device if:

(1) the applicant demonstrates:

(A) through an acceptance inspection made by an elevator
 inspector licensed under IC 22-15-5-11 that the regulated
 lifting device covered by the application complies with the
 laws governing its construction, repair, maintenance, and
 operation; and

(B) that the applicant has paid the fee set under
 IC 22-12-6-6(a)(7); and

(2) the ~~office~~ **division** verifies, through an inspection, that the
 regulated lifting device complies with the laws governing the
 construction, repair, maintenance, and operation of the regulated
 lifting device.

(d) The ~~office~~ **division** shall issue a renewal operating certificate if
 the applicant:

(1) demonstrates through the completion of applicable safety tests
 that the regulated lifting device complies with the laws governing
 the construction, repair, maintenance, and operation of the
 regulated lifting device; and

(2) has paid the fee set under IC 22-12-6-6(a)(7).

(e) The ~~office~~ **division** may issue a temporary operating permit to
 an applicant under this section who does not comply with subsection
 (c)(1)(A) for a new or altered regulated lifting device or subsection
 (d)(1) for an existing unaltered regulated lifting device. The applicant
 must pay the fee set under IC 22-12-6-6(a)(7) to qualify for the
 temporary operating permit. Except as provided in subsection (f), the
 permit, including all renewal periods, is limited to sixty (60) days.

(f) The ~~state building commissioner~~ **division** may renew a
 temporary operating permit issued under subsection (e) for thirty (30)
 day periods during the construction of a building if the regulated lifting
 device is used for the transportation of construction personnel, tools,
 and materials.

(g) The responsibilities of the ~~office~~ **division** under this section may
 be carried out by a political subdivision that is approved by the
 commission under IC 22-13-2-10.

(h) A copy of the operating certificate shall be displayed in or on
 each regulated lifting device or in an associated machine room.

(i) A licensed elevator mechanic shall perform the maintenance on
 a regulated lifting device.

SECTION 89. IC 22-15-5-6 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The following
 definitions apply to sections 7 through 16 of this chapter:

(1) "Competency examination" means an examination that
 thoroughly tests the scope of the knowledge and skill of the



applicant for the license.

(2) "Educational institution" has the meaning set forth in IC 20-12-0.5-1.

(3) "Elevator apprentice" means an individual who works under the direct supervision of a licensed elevator mechanic. The term includes an individual commonly known as an elevator helper while working under the direct supervision of a licensed elevator mechanic.

(4) "Elevator contractor" means a person who alone or with other persons, constructs, repairs, alters, remodels, adds to, subtracts from, or improves a regulated lifting device and who is responsible for substantially all the regulated lifting devices within the entire project, or who fabricates elevator lifting devices substantially completed and ready for installation.

(5) "Elevator inspector" means an individual who conducts the acceptance inspection of a regulated lifting device required by section 4(c)(1)(A) of this chapter.

(6) "Elevator mechanic" means an individual who engages in the construction, reconstruction, alteration, maintenance, mechanical, or electrical work or adjustments of a regulated lifting device.

(7) "License" means a certificate issued by the department that confers upon the holder the privilege to act as an elevator contractor, elevator inspector, or elevator mechanic.

(8) "Licensing program" means the program for licensing elevator contractors, elevator inspectors, and elevator mechanics established under this section and sections 7 through 16 of this chapter.

(9) "Municipality" has the meaning set forth in IC 36-1-2-11.

(10) "Person" means:

(A) a natural person;

(B) the partners or members of a partnership or a limited partnership;

(C) an educational institution; or

(D) a corporation or the officers, directors, and employees of the corporation.

(11) "Practitioner" means a person that holds:

(A) an unlimited license;

(B) a limited or probationary license;

(C) a temporary license;

(D) an emergency license; or

(E) an inactive license.

(b) The commission and the department shall establish a program to license elevator contractors, elevator mechanics, and elevator inspectors.

(c) The department shall issue a license as an elevator contractor, an elevator mechanic, or an elevator inspector to a person who qualifies



and complies with the provisions of the licensing program. A person who receives a license under this chapter is subject to the supervision and control of the department.

(d) The department may contract with public and private institutions, agencies, businesses, and organizations to implement all or part of its duties established under this chapter.

(e) The commission may adopt rules under IC 4-22-2 to implement the licensing program.

SECTION 90. IC 22-15-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) This section does not apply to the following:

(1) An individual employed by the following:

(A) The state.

(B) A county.

(C) A municipality.

(D) An educational institution.

(2) An educational institution.

(b) The department may not issue an elevator inspector or elevator contractor license until the applicant has filed with the department a certificate of insurance indicating that the applicant has liability insurance:

(1) in effect with an insurer that is authorized to write insurance in Indiana; and

(2) that provides general liability coverage to a limit of at least:

(A) one million dollars (\$1,000,000) for the injury or death of any number of persons in any one (1) occurrence; and

(B) five hundred thousand dollars (\$500,000) for property damage in any one (1) occurrence.

(c) An insurance policy required under this section may include a deductible clause if the clause provides that any settlement made by the insurance company with an injured person or a personal representative must be paid as though the deductible clause did not apply.

(d) An insurance policy required under this section must provide by the policy's original terms or an endorsement that the insurer may not cancel the policy without:

(1) thirty (30) days written notice; and

(2) a complete report of the reasons for the cancellation to the ~~office.~~ **division.**

(e) An insurance policy required under this section must provide by the policy's original terms or an endorsement that the insurer shall report to the department within twenty-four (24) hours after the insurer pays a claim or reserves any amount to pay an anticipated claim that reduces the liability coverage below the amounts established in this section.

(f) If an insurance policy required under this section:

(1) is canceled during the policy's term;



(2) lapses for any reason; or
 (3) has the policy's coverage fall below the required amount;
 the license holder shall replace the policy with another policy that
 complies with this section.

(g) If a license holder fails to file a certificate of insurance for new
 or replacement insurance, the license holder:

- (1) must cease all operations under the license immediately; and
- (2) may not conduct further operations until the license holder
 receives the approval of the department to resume operations after
 the license holder complies with the requirements of this section.

SECTION 91. IC 22-15-6-2 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The ~~office~~
division shall conduct a program of periodic inspections of regulated
 boilers and pressure vessels.

(b) The ~~office~~ **division** or a boiler and pressure vessel inspector
 acting under section 4 of this chapter shall issue a regulated boiler and
 pressure vessel operating permit to an applicant who qualifies under
 this section.

(c) Except as provided in subsection (f), a permit issued under this
 section expires one (1) year after it is issued. The permit terminates if
 it was issued by an insurance company acting under section 4 of this
 chapter and the applicant ceases to insure the boiler or pressure vessel
 covered by the permit against loss by explosion with an insurance
 company authorized to do business in Indiana.

(d) To qualify for a permit or to renew a permit under this section,
 an applicant must do the following:

- (1) Demonstrate through an inspection that the regulated boiler or
 pressure vessel covered by the application complies with the rules
 adopted by the rules board.
- (2) Pay the fee set under IC 22-12-6-6(a)(8).

(e) After June 30, 2004, an inspection under subsection (d)(2) shall
 be conducted as follows:

- (1) An inspection for an initial permit shall be conducted by:
 - (A) the ~~office~~ **division**; or
 - (B) an owner or user inspection agency.
- (2) An inspection for a renewal permit shall be conducted by one
 (1) of the following:
 - (A) An insurance company inspection agency, if the vessel is
 insured under a boiler and pressure vessel insurance policy
 and the renewal inspection is not conducted by an owner or
 user inspection agency.
 - (B) An owner or user inspection agency.
 - (C) The ~~office~~ **division**, if the owner or user of a vessel is not
 licensed as an owner or user inspection agency and the vessel
 is not insured under a boiler and pressure vessel insurance
 policy.



(f) The rules board may, by rule adopted under IC 4-22-2, specify a period between inspections of more than one (1) year. However, the rules board may not set an inspection period of greater than five (5) years for regulated pressure vessels or steam generating equipment that is an integral part of a continuous processing unit.

SECTION 92. IC 22-15-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) As used in this chapter, "inspection agency" means:

- (1) an insurance company inspection agency; or
- (2) an owner or user inspection agency;

licensed under section 6 of this chapter.

(b) A boiler and pressure vessel inspector licensed under section 5 of this chapter and employed by an inspection agency may perform any of the following:

- (1) An inspection required by section 3 of this chapter.
- (2) The issuance of a permit under section 3 of this chapter.
- (3) The issuance of an appropriate order under IC 22-12-7 when an equipment law has been violated.

(c) The authority of an inspector acting under this chapter is limited to enforcement related to regulated boilers or pressure vessels insured, owned, or operated by the inspection agency employing the inspector.

(d) Unless an annual report is substituted under subsection (e), an inspection agency shall, within thirty (30) days after the completion of an inspection, submit to the **office division** the report required by the rules board. In addition to any other information required by the rules board, the inspector conducting the inspection shall cite on the report any violation of the equipment law applicable to the regulated boiler or pressure vessel.

(e) In the case of boilers or pressure vessels inspected by an owner or user inspection agency, an annual report filed on or before ~~such the~~ annual date as the rules board may prescribe for each report may be substituted. An annual report of ~~an~~ owner or user inspection agency must list, by number and abbreviated description necessary for identification, each boiler and pressure vessel inspected during the covered period, the date of the last inspection of each unit, and for each pressure vessel the approximate date for its next inspection under the rules of the rules board. Each annual report of an owner or user inspection must also contain the certificate of a professional engineer registered under IC 25-31 and having supervision over the inspections reported, swearing or affirming under penalty of perjury that each inspection was conducted in conformity with the equipment laws.

(f) An owner or user inspection agency shall pay the fee set under IC 22-12-6 with a report under subsection (e).

(g) In addition to the reports required by subsections (d) and (e), an owner, a user, or an inspection agency shall immediately notify the **office division** when an incident occurs to render a boiler or pressure



1 vessel inoperative.

2 (h) An inspection agency, an owner, or a user that violates this
3 section is subject to a disciplinary action under IC 22-12-7.

4 SECTION 93. IC 22-15-6-5 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The ~~office~~
6 **division** shall issue a boiler and pressure vessel inspector license to an
7 applicant who qualifies under this section.

8 (b) To qualify for a license under this section an applicant must:

9 (1) meet the qualifications set by the rules board in its rules;

10 (2) pass an examination approved by the rules board and
11 conducted, supervised, and graded as prescribed by the rules
12 board; and

13 (3) pay the fee set under IC 22-12-6-6(a)(9).

14 (c) The rules board may exempt an applicant from any part of the
15 examination required by subsection (b) if the applicant has:

16 (1) a boiler and pressure vessel inspector's license issued by
17 another state with qualifications substantially equal to the
18 qualifications for a license under this section; or

19 (2) a commission as a boiler and pressure vessel inspector issued
20 by the National Board of Boiler and Pressure Vessel Inspectors.

21 SECTION 94. IC 22-15-6-6 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The ~~office~~
23 **division** shall issue a license to act as an owner or user boiler and
24 pressure vessel inspection agency to an applicant who qualifies under
25 this section.

26 (b) A license issued under this section expires if the bond required
27 by subsection (c)(3) becomes invalid.

28 (c) To qualify for a license under this section an applicant must:

29 (1) submit the name and address of the applicant;

30 (2) submit proof that inspections will be supervised by one (1) or
31 more professional engineers licensed under IC 25-31 and
32 regularly employed by the applicant;

33 (3) provide a surety bond issued by a surety qualified to do
34 business in Indiana for one hundred thousand dollars (\$100,000),
35 made payable to the ~~office~~ **division** and conditioned upon
36 compliance with the equipment laws applicable to inspections and
37 the true accounting for all funds due to the ~~office~~; **division**; and

38 (4) pay the fee set under IC 22-12-6-6(a)(9).

39 (d) An owner or user boiler and pressure vessel inspection agency
40 licensee under this section shall maintain with the ~~office~~ **division** the
41 most current name and address of the licensee and the name of the
42 professional engineer supervising the licensee's inspections and notify
43 the ~~office~~ **division** of any changes within thirty (30) days after the
44 change occurs. An inspection agency that violates this subsection is
45 subject to a disciplinary action under IC 22-12-7.

46 (e) The rules board may establish standards for the operation of



1 inspection agencies.

2 (f) An inspection agency that violates this section is subject to a
3 disciplinary action under IC 22-12-7.

4 SECTION 95. IC 22-15-7-1 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The ~~office~~ **division**
6 shall carry out a program of periodic on-site inspections of the erection
7 and operation of regulated amusement devices. These inspections are
8 not a prerequisite for operation of a device that is covered by a
9 regulated amusement device operating permit.

10 SECTION 96. IC 22-15-7-2 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The ~~office~~ **division**
12 shall issue a regulated amusement device operating permit to
13 an applicant who qualifies under this section. If an applicant qualifies
14 for a permit under this section, an inspector shall place an inspection
15 seal on the device that is covered by the permit.

16 (b) A permit issued under this section:

- 17 (1) expires one (1) year from the date the permit was issued; and
- 18 (2) may be renewed if the applicant continues to qualify for a
19 permit under this section.

20 (c) To qualify for a permit under this section, an applicant or an
21 authorized officer of the applicant shall pay the inspection fee set under
22 IC 22-12-6-6 and execute an application form affirming under penalties
23 for perjury the following:

24 (1) That all information provided in the application is true to the
25 best of the applicant's or officer's knowledge and belief after
26 reasonable investigation.

27 (2) That all personnel employed by the applicant having
28 maintenance responsibility for the amusement devices have or
29 will have sufficient background, knowledge, skills, and training
30 to adequately maintain the amusement devices under the rules of
31 the commission.

32 (3) That all persons employed by the applicant having operational
33 responsibility for the amusement devices have or will have
34 sufficient background, knowledge, skills, and training to
35 adequately operate the amusement devices under the rules of the
36 commission.

37 (4) That adequate training will be provided or otherwise made
38 available on an ongoing basis to maintenance and operational
39 personnel to ensure the continuous compliance of the personnel
40 with the standards set forth in subdivisions (2) and (3).

41 (5) That all maintenance and operational personnel will be trained
42 to recognize and report any condition that would prohibit the safe
43 operation of the amusement device.

44 (6) That, upon discovering a condition that would prohibit the
45 safe operation of an amusement device, both operational and
46 maintenance personnel must possess the requisite authority to



1 immediately shut down the amusement device and report the
 2 condition of the amusement device to supervisory personnel. An
 3 amusement device that is shut down under this subdivision may
 4 not be returned to operation until the amusement device complies
 5 with ASTM standards for operation.

6 (7) That the applicant assumes full financial responsibility for:

7 (A) any condition or circumstance occasioned by, caused by,
 8 or resulting from noncompliance with the maintenance and
 9 operational standards set forth in subdivisions (2) through (6);
 10 and

11 (B) any death, injury, or other loss occasioned by, caused by,
 12 or resulting from noncompliance with the maintenance and
 13 operational standards set forth in subdivisions (2) through (6).

14 (d) The execution of an application under subsection (c) by an
 15 officer of an applicant corporation does not create individual financial
 16 liability for the officer.

17 (e) The applicant must satisfy an inspector for the ~~office~~ **division**
 18 that the regulated amusement device meets the safety requirements set
 19 by the commission.

20 SECTION 97. IC 22-15-7-2.5, AS AMENDED BY P.L.166-2005,
 21 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2006]: Sec. 2.5. (a) Except as provided in subsection (g) or
 23 (h), the ~~office~~ **division** may not issue a permit under this chapter until
 24 the applicant has filed with the ~~office~~ **division** a certificate of insurance
 25 indicating that the applicant has liability insurance:

26 (1) in effect with an insurer that is authorized to write insurance
 27 in Indiana on the operation of regulated amusement devices; and

28 (2) except for an applicant that is subject to the provisions of
 29 IC 34-13-3, that provides coverage to a limit of at least:

30 (A) one million dollars (\$1,000,000) per occurrence and five
 31 million dollars (\$5,000,000) in the annual aggregate;

32 (B) five hundred thousand dollars (\$500,000) per occurrence
 33 and two million dollars (\$2,000,000) in the annual aggregate
 34 if the applicant operates only:

35 (i) a ski lift;

36 (ii) a surface lift or tow; or

37 (iii) both items (i) and (ii); or

38 (C) one million dollars (\$1,000,000) per occurrence and two
 39 million dollars (\$2,000,000) in the annual aggregate if the
 40 applicant operates only regulated amusement devices that are
 41 designed to be used and are ridden by persons who are not
 42 more than forty-two (42) inches in height.

43 (b) An insurance policy required under this section may include a
 44 deductible clause if the clause provides that any settlement made by the
 45 insurance company with an injured person or a personal representative
 46 must be paid as though the deductible clause did not apply.



1 (c) An insurance policy required under this section must provide by
 2 the policy's original terms or an endorsement that the insurer may not
 3 cancel the policy without:

4 (1) thirty (30) days written notice; and

5 (2) a complete report of the reasons for the cancellation to the
 6 ~~office~~ **division**.

7 (d) An insurance policy required under this section must provide by
 8 the policy's original terms or an endorsement that the insurer shall
 9 report to the ~~office~~ **division** within twenty-four (24) hours after the
 10 insurer pays a claim or reserves any amount to pay an anticipated claim
 11 that reduces the liability coverage to a limit of less than one million
 12 dollars (\$1,000,000) because of bodily injury or death in an occurrence.

13 (e) If an insurance policy required under this section:

14 (1) is canceled during the policy's term;

15 (2) lapses for any reason; or

16 (3) has the policy's coverage fall below the required amount;
 17 the permittee shall replace the policy with another policy that complies
 18 with this section.

19 (f) If a permittee fails to file a certificate of insurance for new or
 20 replacement insurance, the permittee:

21 (1) must cease all operations under the permit immediately; and

22 (2) may not conduct further operations until the permittee
 23 receives the approval of the ~~office~~ **division** to resume operations
 24 after the permittee complies with the requirements of this section.

25 (g) The ~~office~~ **division** may issue a permit under this chapter to an
 26 applicant that:

27 (1) is subject to IC 34-13-3; and

28 (2) has not filed a certificate of insurance under subsection (a);
 29 if the applicant has filed with the ~~office~~ **division** a notification
 30 indicating that the applicant is self-insured for liability.

31 (h) The ~~office~~ **division** may reduce the annual aggregate liability
 32 insurance coverage required under subsection (a)(2)(A) to one million
 33 dollars (\$1,000,000) in the annual aggregate for an applicant that:

34 (1) operates only regulated amusement devices that are bull ride
 35 simulators that are multiride electric units with bull ride
 36 attachments; and

37 (2) otherwise complies with the requirements of this chapter.

38 SECTION 98. IC 22-15-7-4 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The commission
 40 shall adopt rules under IC 4-22-2 to define appropriate training for a
 41 person who inspects regulated amusement devices.

42 (b) The rules required under this section must, at a minimum,
 43 provide the following:

44 (1) The adoption by reference of:

45 (A) ASTM F 698 (1994 edition) ("Specification for Physical
 46 Information to be Provided to Amusement Rides and



- 1 Devices");
- 2 (B) ASTM F 770 (1993 edition) ("Practice for Operation
- 3 Procedures for Amusement Rides and Devices");
- 4 (C) ASTM F 846 (1992 edition) ("Guide for Testing
- 5 Performance of Amusement Rides and Devices");
- 6 (D) ASTM F 853 (1993 edition) ("Practice for Maintenance
- 7 Procedures for Amusement Rides and Devices");
- 8 (E) ASTM F 893 (1987 edition) ("Guide for Inspection of
- 9 Amusement Rides and Devices");
- 10 (F) ASTM F 1305 (1994 edition) ("Standard Guides for the
- 11 Classification of Amusement Ride and Device Related Injuries
- 12 and Illnesses"); or
- 13 (G) any subsequent published editions of the ASTM standards
- 14 described in clauses (A) through (F).
- 15 (2) A requirement that inspectors employed or contracted by the
- 16 ~~office:~~ **division:**
- 17 (A) have and maintain at least a Level 1 certification from the
- 18 National Association of Amusement Ride Safety Officials; and
- 19 (B) conduct inspections that conform to the rules of the
- 20 commission.
- 21 (3) A requirement that regulated amusement devices be operated
- 22 and maintained in accordance with the rules of the commission.
- 23 (4) After July 1, 2005, the commission's chief inspector or
- 24 supervisor of regulated amusement device inspectors must have
- 25 and maintain at least:
- 26 (A) a Level I certification if the chief inspector or supervisor
- 27 has not more than five (5) years of service as the chief
- 28 inspector or a supervisor; and
- 29 (B) a Level II certification if the chief inspector or supervisor
- 30 has more than five (5) years of service as the chief inspector or
- 31 a supervisor.
- 32 SECTION 99. IC 22-15-7-5 IS AMENDED TO READ AS
- 33 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) A permittee shall,
- 34 during the permit period, maintain at each location operated by the
- 35 permittee for each regulated amusement device at the location the
- 36 following:
- 37 (1) A current owner's manual.
- 38 (2) Any operational manuals or maintenance guides.
- 39 (3) Complete maintenance records describing all repairs and
- 40 modifications.
- 41 (4) Daily operation and inspection logs or checklists.
- 42 (5) Personnel training records.
- 43 (b) The materials described in subsection (a) must be made
- 44 available to an inspector from the ~~office:~~ **division:**
- 45 (1) upon request; and
- 46 (2) within a reasonable time.



1 The failure by the permittee to have, maintain, or make available for
 2 review the materials described in subsection (a) constitutes grounds for
 3 the ~~state building commissioner division~~ to temporarily suspend a
 4 permit during the term of failure or refusal.

5 SECTION 100. IC 27-2-13-1 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this
 7 chapter:

8 (a) "Authorized agency" means:

9 (1) ~~the office of~~ the state fire marshal or a fire department acting
 10 under IC 36-8-17;

11 (2) the superintendent of the state police;

12 (3) the prosecuting attorney responsible for prosecutions in the
 13 county where the fire occurred;

14 (4) the attorney general; and

15 (5) an arson investigator.

16 (b) "Relevant" refers to information having any tendency to make
 17 the existence of any fact that is of consequence to the investigation or
 18 determination of a fire loss more probable or less probable than it
 19 would have been without the evidence.

20 (c) "Insurer" has the same meaning as in IC 27-1-2-3(x) and
 21 includes the Indiana FAIR plan.

22 (d) "Arson investigator" means an officer of a unit of local
 23 government whose duties include the investigation of arson.

24 SECTION 101. IC 27-2-13-3 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) When an insurer
 26 has reason to believe that a fire loss in which it has an interest was
 27 caused by a means that was not accidental, then, for the purpose of
 28 notification and for having that fire loss investigated, the company
 29 shall, in writing, notify an authorized agency and provide that agency
 30 with all material developed from the insurer's inquiry into the fire loss.

31 (b) When an insurer provides an authorized agency with notice of
 32 a fire loss, it shall be considered sufficient notice for the purpose of this
 33 chapter. However, the insurer shall provide the ~~office of the~~ state fire
 34 marshal a copy of the information provided under subsection (a), if the
 35 notice was provided to an authorized agency other than the ~~office of the~~
 36 state fire marshal.

37 SECTION 102. IC 35-47.5-2-10 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. ~~"Office"~~
 39 **"Division"** refers to the ~~office of the state fire marshal~~ **division of fire**
 40 **and building safety.**

41 SECTION 103. IC 35-47.5-4-1 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The ~~office division~~
 43 shall carry out a program to periodically inspect places where regulated
 44 explosives are manufactured.

45 SECTION 104. IC 35-47.5-4-2 IS AMENDED TO READ AS
 46 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The ~~office~~



division may order any person engaged in the manufacture or handling of a regulated explosive and any person with control over a place where regulated explosives are manufactured or handled to maintain insurance covering fire and explosion losses. The order is not effective until sixty (60) days after the date that notice of the order is received.

(b) The state fire marshal shall specify the insurance required under subsection (a) in an amount not less than ten thousand dollars (\$10,000) nor more than two hundred fifty thousand dollars (\$250,000).

(c) Proof of the insurance required under this section must be maintained with the department of insurance.

(d) The insurance commissioner may exempt a person from the insurance requirements under this section if an applicant for the exemption submits proof that the applicant has the financial ability to discharge all judgments in the amount specified by the state fire marshal. The insurance commissioner may revoke an exemption under this subsection if the commissioner requires additional proof of financial ability and:

(1) the exempted person fails to comply with the order; or

(2) the insurance commissioner determines that the exempted person has failed to provide adequate proof of financial ability.

SECTION 105. IC 35-47.5-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The ~~office~~ **division** shall carry out a program to periodically inspect places where regulated explosives are stored.

SECTION 106. IC 35-47.5-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The ~~office~~ **division** shall issue a regulated explosives magazine permit to maintain an explosives magazine to an applicant who qualifies under section 5 of this chapter.

(b) A permit issued under subsection (a) expires one (1) year after it is issued. The permit is limited to storage of the types and maximum quantities of explosives specified in the permit in the place covered by the permit and under the construction and location requirements specified in the rules of the commission.

SECTION 107. IC 35-47.5-4-4.5, AS AMENDED BY P.L.80-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. (a) This section does not apply to:

(1) a person who is regulated under IC 14-34; or

(2) near surface or subsurface use of regulated explosives associated with oil and natural gas:

(A) exploration;

(B) development;

(C) production; or

(D) abandonment activities or procedures.

(b) The commission shall adopt rules under IC 4-22-2 to:



- (1) govern the use of a regulated explosive; and
- (2) establish requirements for the issuance of a license for the use of a regulated explosive.

(c) The commission shall include the following requirements in the rules adopted under subsection (b):

- (1) Relicensure every three (3) years after the initial issuance of a license.
- (2) Continuing education as a condition of relicensure.
- (3) An application for licensure or relicensure must be submitted to the **office division** on forms approved by the commission.
- (4) A fee for licensure and relicensure.
- (5) Reciprocal recognition of a license for the use of a regulated explosive issued by another state if the licensure requirements of the other state are substantially similar to the licensure requirements established by the commission.

(d) A person may not use a regulated explosive unless the person has a license issued under this section for the use of a regulated explosive.

(e) The **office division** shall carry out the licensing and relicensing program under the rules adopted by the commission.

(f) As used in this section, "regulated explosive" does not include either of the following:

- (1) Consumer fireworks (as defined in 27 CFR 555.11).
- (2) Commercially manufactured black powder in quantities not to exceed fifty (50) pounds, if the black powder is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or antique devices.

SECTION 108. IC 35-47.5-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Sections 2, 3, 4, 5, and 6 of this chapter do not apply to the following:

- (1) A person authorized to manufacture, possess, transport, distribute, or use a destructive device or detonator under the laws of the United States, as amended, or under Indiana law when the person is acting in accordance with the laws, regulations, and rules issued under federal or Indiana law.
- (2) A person who is issued a permit for blasting or surface coal mining by the director of the department of natural resources under IC 14-34 when the person is acting under the laws and rules of Indiana and any ordinances and regulations of the political subdivision or authority of the state where blasting or mining operations are being performed.
- (3) Fireworks (as defined in IC 22-11-14-1) and a person authorized by the laws of Indiana and of the United States to manufacture, possess, distribute, transport, store, exhibit, display, or use fireworks.
- (4) A law enforcement agency, a fire service agency, **the**



1 **department of homeland security**, or an emergency
 2 management agency of Indiana, an agency or an authority of a
 3 political subdivision of the state or the United States, and an
 4 employee or authorized agent of the United States while in
 5 performance of official duties.

6 (5) A law enforcement officer, a fire official, or an emergency
 7 management official of the United States or any other state if that
 8 person is attending training in Indiana.

9 (6) The armed forces of the United States or of Indiana.

10 (7) Research or educational programs conducted by or on behalf
 11 of a college, university, or secondary school that are:

12 (A) authorized by the chief executive officer of the educational
 13 institution or the officer's designee; or

14 (B) conducted under the policy of the educational institution;
 15 and conducted in accordance with the laws of the United States
 16 and Indiana.

17 (8) The use of explosive materials in medicines and medicinal
 18 agents in forms prescribed by the most recent published edition
 19 of the official United States Pharmacopoeia or the National
 20 Formulary.

21 (9) Small arms ammunition and reloading components of small
 22 arms ammunition.

23 (10) Commercially manufactured black powder in quantities not
 24 to exceed fifty (50) pounds, percussion caps, safety and
 25 pyrotechnic fuses, quills, quick and slow matches, and friction
 26 primers intended to be used solely for sporting, recreational, or
 27 cultural purposes in antique firearms or antique devices.

28 (11) An explosive that is lawfully possessed for use in legitimate
 29 agricultural or business activities.

30 SECTION 109. IC 36-1-10-10 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) A lessor
 32 proposing to build, acquire, improve, remodel, or expand a structure for
 33 lease to a political subdivision or agency shall submit plans,
 34 specifications, and estimates to the leasing agent before executing a
 35 lease. The leasing agent shall submit the plans and specifications to the
 36 **state building commissioner division of fire and building safety or**
 37 **the building law compliance officer**, and other agencies designated
 38 by law.

39 (b) A lessor proposing to acquire a transportation project or system
 40 may enter into a lease without submitting plans, designs, or
 41 specifications to any political subdivision or agency. However, before
 42 the execution of the lease, the lessor must submit to the lessee or
 43 lessees an estimate of the cost and a description of the transportation
 44 project or system.

45 SECTION 110. IC 36-1-12-10 IS AMENDED TO READ AS
 46 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. All plans and



1 specifications for public buildings must be approved by the state
 2 department of health, ~~state fire marshal, state building commissioner,~~
 3 **the division of fire and building safety**, and other state agencies
 4 designated by statute.

5 SECTION 111. IC 36-1-12-11 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The board must,
 7 within sixty (60) days after the completion of the public work project,
 8 file in the ~~office of the state building commissioner~~ **division of fire**
 9 **and building safety** a complete set of final record drawings for the
 10 public work project. However, this requirement does not apply to a
 11 public work project constructed at a cost less than one hundred
 12 thousand dollars (\$100,000). In addition, the filing of the drawings is
 13 required only if the project involves a public building.

14 (b) The ~~state building commissioner~~ **division of fire and building**
 15 **safety** shall provide a depository for all final record drawings filed, and
 16 retain them for inspection and loan under regulated conditions. The fire
 17 prevention and building safety commission may designate the librarian
 18 of Indiana as the custodian of the final record drawings. The librarian
 19 shall preserve the final record drawings in the state archives as public
 20 documents.

21 SECTION 112. IC 36-1-12.5-8 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. Energy conservation
 23 measures installed under a utility energy efficiency program or a
 24 guaranteed energy savings contract must be approved by the following:

25 (1) The state department of health, ~~office of the state fire marshal,~~
 26 ~~office of the state building commissioner,~~ **division of fire and**
 27 **building safety**, and any other state agency designated by statute.

28 (2) An architect or engineer licensed under IC 25-4 or IC 25-31
 29 if the energy conservation measures have a cost of more than fifty
 30 thousand dollars (\$50,000).

31 SECTION 113. IC 36-7-18-38 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 38. (a) A housing
 33 authority shall file with the state department of health a description of
 34 each proposed project, including plans and layout. The state
 35 department shall, within thirty (30) days, transmit its approval or
 36 disapproval to the authority.

37 (b) A housing authority shall file all plans for new construction with
 38 the ~~state building commissioner~~ **division of fire and building safety**
 39 in the manner prescribed by IC 22-15-3.

40 SECTION 114. IC 36-8-17-4 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. As used in this
 42 chapter, ~~"office"~~ **"division"** refers to the ~~office of the state fire~~
 43 ~~marshal,~~ **division of fire and building safety**.

44 SECTION 115. IC 36-8-17-5 IS AMENDED TO READ AS
 45 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The fire chief and
 46 the designees of the fire chief in every fire department are assistants to



1 the state fire marshal.

2 (b) A fire department shall comply with an order issued by the ~~office~~
3 **division** under IC 22-14-2-4 that directs the fire department to assist
4 the ~~office~~ **division**.

5 SECTION 116. IC 36-8-17-7 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) A fire department
7 shall investigate and determine the causes and circumstances
8 surrounding each fire occurring within the territory served by the fire
9 department. The fire department shall begin the investigation when the
10 fire occurs. The fire department shall immediately notify the ~~office~~
11 **division** if the fire chief believes that a crime may have been
12 committed and shall submit a written report to the ~~office~~ **division**
13 concerning every investigation at the end of each month. The fire
14 department shall submit the report on the form prescribed by the ~~office~~
15 **division** and shall include the following information in the report:

16 (1) A statement of the facts relating to the cause and origin of the
17 fire.

18 (2) The extent of damage caused by the fire.

19 (3) The amount of insurance on the property affected by the fire.

20 (4) Other information required in the commission's rules.

21 (b) To carry out this section, a fire department may:

22 (1) enter and inspect any real or personal property at a reasonable
23 hour;

24 (2) cooperate with the prosecuting attorney and assist the
25 prosecuting attorney with any criminal investigation;

26 (3) request that the office subpoena witnesses under IC 22-14-2-8
27 or order the production of books, documents, and other papers;

28 (4) give oaths and affirmations;

29 (5) take depositions and conduct hearings; and

30 (6) separate witnesses and otherwise regulate the course of
31 proceedings.

32 (c) Subpoenas, discovery orders, and protective orders issued under
33 this section shall be enforced under IC 4-21.5-6-2.

34 SECTION 117. IC 36-8-17-8 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) A fire department
36 serving an area that does not include a city may engage in an inspection
37 program to promote compliance with fire safety laws. The fire
38 department shall maintain a written report for each inspection. These
39 reports shall be made available to the ~~office~~ **division** upon request.

40 (b) The fire department serving an area that includes a city shall
41 inspect every place and public way within the jurisdiction of the city,
42 except the interiors of private dwellings, for compliance with the fire
43 safety laws. Except as otherwise provided in the rules adopted by the
44 commission, the fire chief of the fire department shall specify the
45 schedule under which places and public ways are inspected and may
46 exclude a class of places or public ways from inspection under this



section, if the fire chief determines that the public interest will be served without inspection. The fire department shall maintain a written report for each inspection. The fire department shall submit monthly reports to the ~~office~~, **division**, on forms prescribed by the ~~office~~, **division**, containing the following information:

- (1) The total number of inspections made.
- (2) The total number of defects found, classified as required by the office.
- (3) The total number of orders issued for correction of each class of defect.
- (4) The total number of orders complied with.

(c) A volunteer fire department may carry out inspections under this section only through an individual who is certified under IC 22-14-2-6(c).

SECTION 118. IC 36-8-17-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) A fire department may issue orders under IC 4-21.5-3-6 to require a person to cease and correct a violation of the fire safety laws. The order must grant a reasonable time in which to correct a violation of law covered by the order.

(b) A fire department may issue an emergency or temporary order under IC 4-21.5-4 if the fire department determines that conduct or a condition of property:

- (1) presents a clear and immediate hazard of death or serious bodily injury to any person other than a trespasser;
- (2) is prohibited without a permit, registration, certification, release, authorization, variance, exemption, or other license required under IC 22-14 or another statute administered by the ~~office~~ **division** and the license has not been issued; or
- (3) will conceal a violation of law.

(c) An emergency or other temporary order issued under subsection (b) must be approved by the state fire marshal. The approval may be communicated orally to the fire department. However, the ~~department of fire and building services~~ **division** shall maintain a written record of the approval.

(d) An order under IC 4-21.5-3-6 or IC 4-21.5-4 may include the following, singly or in combination:

- (1) Require a person who has taken a substantial step toward violating a fire safety law or has violated a fire safety law to cease and correct the violation.
- (2) Require a person who has control over property that is affected by a violation to take reasonable steps to:
 - (A) protect persons and property from the hazards of the violation; and
 - (B) correct the violation.
- (3) Require persons to leave an area that is affected by a violation



1 and prohibit persons from entering the area until the violation is
2 corrected.

3 SECTION 119. IC 36-8-17-10 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The ~~office~~
5 **division** shall give a person who:

6 (1) is aggrieved by an order issued under section 9 of this chapter;
7 and

8 (2) requests review of the order in verbal or written form;
9 an opportunity to informally discuss the order with the ~~office~~ **division**.
10 Review under this subsection does not suspend the running of the time
11 period in which a person must petition under IC 4-21.5-3-7 to appeal
12 the order.

13 ~~(c)~~ **(b)** The ~~office~~ **division** may, on its own initiative or at the
14 request of any person, modify or reverse an order issued under section
15 9 of this chapter.

16 SECTION 120. IC 36-8-17-12 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. The ~~office~~ **division**
18 may enforce an order issued under this chapter under IC 4-21.5-6.

19 SECTION 121. IC 36-10-10-17 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. Before the
21 execution of a lease, the authority proposing to build a convention
22 center for lease to a city shall submit to and receive approval by the city
23 executive and city legislative body of the plans, specifications, and
24 estimates of cost for the convention center. The plans and
25 specifications shall be submitted to and approved by the state
26 department of health, ~~state fire marshal~~, ~~state building commissioner~~,
27 **the department of homeland security**, and other state agencies that
28 are designated by statute to pass on plans and specifications for public
29 buildings.

